

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN  
and  
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY  
W.P.No.19739 of 2018

C.Muniyappan @ Vetri

... Petitioner

Vs

1.The Secretary to Government,  
Housing and urban Land Department,  
Fort St. George,  
Secretariat, Chennai

2.The Commissioner,  
Greater Chennai City Municipal Corporation,  
Rippon Buildings,  
Chennai 21.

3.The Zonal Officer, Zone - V,  
Greater Chennai City Municipal Corporation,  
No.61, Basin Bridge Road,  
Chennai 21.

4.The Executive Engineer, Zone - V,  
Greater Chennai City Municipal Corporation,  
Chennai 21.

5.P.Sivakumar

... Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to not to take any coercive steps of locking and sealing in pursuance of the de-occupation notice dated 29.05.2018 pending consideration of the Appeals dated 01.06.2018 filed under Sec.80(A) of Town and Country Planning Act, 1971 before the 1<sup>st</sup> respondent.

For Petitioner : Mr.A.Manoj Kumar

For Respondents: Mr.A.N.Thambidurai (for R1)  
Special Government Pleader  
Mr.A.Nagarajan (for R2 to R4)  
Standing counsel

O R D E R

(Order of this Court was made by N.Kirubakaran, J.)

The petitioner has got property measuring about 210 sq. ft., comprised in R.S.No.484 (part), bearing Door No.10, North Mada Square Lane, Royapuram, Chennai 13, from his wife Mrs.M.Jayanthi, who is said to have purchased the said property by virtue of sale deed dated 01.04.2016. At the insistence of the private respondent, viz., 5<sup>th</sup> respondent, lock and seal notice, dated 11.01.2018 was issued and de-occupation notice was issued on 29.05.2018. Those notices have been issued on the ground that the petitioner encroached upon the public property and put up construction without any foundation. The petitioner's wife has already filed an appeal before the 1<sup>st</sup> respondent on 01.06.2018. When the appeal is pending before the 1<sup>st</sup> respondent, the respondents have taken coercive steps to give effect to the lock and seal notice and de-occupation notice, which compelled the petitioner to come before this Court.

2. Notice to the 5<sup>th</sup> respondent is dispensed with as this Court intends to direct the 1<sup>st</sup> respondent to dispose of the appeal filed by the petitioner.

3. Mr.A.N.Thambidurai, learned Special Government Pleader, takes notice on behalf of the 1<sup>st</sup> respondent and Mr.A.Nagarajan, learned counsel takes notice on behalf of respondents 2 to 4.

4. Taking into consideration that the petitioner/his wife has already preferred an Appeal under Section 80(A) of the Town and Country Planning Act, 1971 before the 1<sup>st</sup> respondent on 01.06.2018, it is appropriate to direct the 1<sup>st</sup> respondent to dispose of the appeal preferred by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. Till the appeal is disposed and the copy of the order is served upon the petitioner, no coercive steps shall be taken against the petitioner by the respondents.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sai

To

1.The Secretary to Government,  
Housing and urban Land Department,  
Fort St. George,  
Secretariat, Chennai

+1cc to Mr.A.Manojkumar, Advocate SR.NO.52141

+1cc to Government Pleader SR.NO.53210

sm:6.9.2018

W.P.No.19739 of 2018



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