

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.29128 of 2018

1.D.Lakshmi
2.D.Krishnakumar
3.D.Premkumar

...Petitioner

-vs-

1.The State of Tamil Nadu
Rep. by its Secretary,
Housing and Urban Development Department
Fort St.George, Chennai - 600 009.

2.The Executive Engineer,
Zone VI
Greater Chennai Corporation
5, Anderson Road,
Ayanavaram, Chennai - 600 023.

3.The Assistant Executive Engineer,
VI Zone, Greater Chennai Corporation,
Arunachalam Street,
Purasawalkam, Chennai - 600 007.

4.The Assistant Engineer,
Zone VI, Ward 75
Greater Chennai Corporation,
Vengadathri Street,
Kosapet, Chennai - 600 012.

.... Respondents

Prayer:Writ Petition filed under Article 226 of the
Constitution of India praying for the issuance of a Writ
of Mandamus, directing the respondents to de-seal that
has been putforth on our house doors viz., No.18/2,
Narayana Maistry Main Street, Otteri, Chennai - 600 012
on 7.2.2018 and permit us to enter and occupy our house.

For Petitioners : Mr.D.Gubendragunabalan

For Respondents : Mr.R.Udhyakumar
Addl.Govt.Pleader for R1
Mr.R.Arunmozhi for R2 to R4

O R D E R

[Order of the Court was delivered by
K.K.SASIDHARAN, J.]

By consent, the writ petition is taken up for disposal during the time of admission.

2. The petitioners pray for a direction to de-seal the premises which was sealed by the Corporation on 21 October 2017 on the ground that it has been constructed without an approved plan.

3. We have heard the learned counsel for the petitioner. We have also heard Mr.R.Udhayakumar, learned Additional Government Pleader for the first respondent and Mr.R.Arunmozhi, learned Standing Counsel for respondents 2 to 4.

4. Admittedly, the appeal filed by the petitioners is pending before the first respondent. Pending appeal, the petitioners seek an order to de-seal the premises, which in our opinion cannot be granted. We therefore direct the first respondent to dispose of the appeal filed by the petitioners on 2 August 2018 within a period of three months from the date of receipt of a copy of this order.

5. The learned counsel for the petitioners would submit that the belongings of the petitioners including essential items like medicines, books as well as the approved plan are inside the premises. It is open to the petitioners to apply to the second respondent for temporary de-sealing of the premises to enable them to take out their belongings. If any such application is made, the second respondent is directed to de-seal the premises temporarily to enable the petitioners to remove their essential belongings from the premises in question. The petitioners are also at liberty to move the Government for an interim order pending appeal. If any such application is filed, the first respondent is directed to consider and dispose the same within a period of two weeks from the date of receipt of a copy of the application.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
The State of Tamil Nadu
Housing and Urban Development Department
Fort St.George, Chennai - 600 009.

2.The Executive Engineer,
Zone VI, Greater Chennai Corporation
5, Anderson Road,
Ayanavaram, Chennai - 600 023.

3.The Assistant Executive Engineer,
VI Zone, Greater Chennai Corporation,
Arunachalam Street,
Purasawalkam, Chennai - 600 007.

4.The Assistant Engineer,
Zone VI, Ward 75
Greater Chennai Corporation, Vengadathri Street,
Kosapet, Chennai - 600 012.

+1cc to Mr.R.Arunmozhi , Advocate SR.No. 75985

+1cc to Mr.D.Gubendragunabalan , Advocate SR.No. 45686

+1 CC TO GOVERNMENT PLEADER SR.NO. 46525

W.P.No.29128 of 2018

ASK(15/11/2018)

सत्यमेव जयते

WEB COPY