

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.29119, 29122 and 29123 of 2019

Chandra Singh .. Petitioner in
WP.No.29119/2019
Sanjay Kumar .. Petitioner in
WP.No.29122/2019
S.Dinesh Kumar .. Petitioner in
WP.No.29123/2019

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 009.
2. The Zonal Officer - Zone 5,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 009.
3. Assistant Revenue Officer - Zone 5,
Greater Chennai Corporation,
Revenue Department,
Chennai.
4. The Secretary to Government,
Municipal Administration and
Water Supply and Sewerage Department,
Fort St. George,
Chennai-600 009.
5. Rajendra Singh

6. The Executive Engineer,
Division 5, Zone - 5,
Greater Chennai Corporation,
Chennai.
7. Assistant Engineer Division 57,
Zone - 5,
Greater Chennai Corporation,
Chennai.
8. Assistant Executive Engineer,
Division Unit 13,
Greater Chennai Corporation,
Chennai.

.. Respondents
in all WPs

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the entire records of the impugned proceedings of the 6th respondent in Notice No.Z.O.V.C.No.57/ENF/4886/2018 dated 09.09.2019 and quash the same consequently forbearing the respondents their men, agents, representatives, servants etc. from in any manner interfering in the peaceful possession and enjoyment of the petitioners property at Old No.126, New No.253, Govindappa Naicken Street, George Town, Chennai-600 001.

For Petitioners : Mrs.V.Bagyalakshmi

For Respondents : Mr.V.C.Selvasekaran
for respondent Nos.1 to 3, 6 to 8
in all

Mr.V.Jayaprakash Narayanan
Government Pleader
for respondent No.4 in all

COMMON ORDER

(Order of the Court was made by The Hon'ble Acting Chief Justice)

The petitioners viz., (1) Chandra Singh, son of Jagroopji, residing at No.38, Thirupalli Street, Sowcarpet, Chennai-79; (2) Sanjay Kumar, son of R.Shanthilal Jain, residing at No.31/A, Tank Bund Road, Nungambakkam, Chennai-34 and (3) S.Dinesh Kumar, son of Sowel Singh, residing at No.19/1, Lawyer Chinnathambi Steet, Sowcarpet, Chennai-1, have filed the present writ petitions aggrieved by the order passed by the Executive Engineer, Zone-V, Greater Chennai Corporation, with the following directions:

"1) They are not the owners of the building.

2) The building was sealed by the Greater Chennai Corporation on 01.03.2015 and de-sealed on 06.06.2015 as per the Housing and Urban Development Department order vide Letter No.3141/UD-VI(1)/2015-4 dated 27.05.2015.

3) The building was again re-sealed on 26.04.2018 since the owner of the building has not rectified the building as per orders of the Secretary, Housing and Urban Development Department vide Letter No.3141/UD-VI(1)/2015-4 dated 27.05.2015.

4) The building was again de-sealed as per the Hon'ble High Court order in W.P.Nos.11290 to 11292 of 2018 dated 27.04.2018 filed by petitioners.

5) Since the petitioners are not the owners and the building was not rectified as per the plan and Housing and Urban Development Department order vide Letter No.3141/UD-VI(1)/2015-4 dated 27.05.2015 your representations have not been considered and your representations also have been rejected."

2. Admittedly, the petitioners have filed their appeals under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, which are pending before the concerned Secretary of the Housing and Urban Development Department, Secretariat, Fort St. George, Chennai-9.

3. Since the appeals filed under Section 80-A of the Act are pending before the concerned Secretary of the Housing and Urban Development Department, Secretariat, Fort St. George, Chennai-9, we are not inclined to interfere with the impugned communication of the Executive Engineer, Zone-V of Greater Chennai Corporation dated 09.09.2019. Therefore, we relegate the petitioners to approach the concerned Secretary of the Housing and Urban Development Department, Secretariat, Fort St. George, Chennai-9 for deciding the said appeals filed under Section 80-A of the Act in accordance with law.

4. The petitioners may appear before the said concerned Secretary of the Housing and Urban Development Department, Secretariat, Fort St. George, Chennai-9 in the first instance on 15.10.2019 and a period of four weeks is allowed to decide the appeals by the concerned Secretary of the Housing and Urban Development Department, Secretariat, Chennai and pass appropriate orders in accordance with law.

5. With the above observation and direction, the writ petitions are disposed of. No costs. Consequently, W.M.P.Nos.28897, 28899, 28903, 28904, 28905 and 28906 of 2019 are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 009.
2. The Zonal Officer - Zone 5,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 009.
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4. The Secretary to Government,
Municipal Administration and
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5. The Executive Engineer,
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7. The Assistant Engineer Division 57,
Zone - 5,
Greater Chennai Corporation,
Chennai.
8. The Assistant Executive Engineer,
Division Unit 13,
Greater Chennai Corporation,
Chennai.

9. The Secretary,
Housing and Urban Development Department,
Secretariat, Chennai.

+1 cc to M/s.P.Bagyalakshmi, Advocate, S.R.No.85164

+1 cc to the Government Pleader, S.R.No.85127

W.P.Nos.29119, 29122 and 29123 of 2019

VSN-II (CO)
SSM(04/10/2019) .



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