

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.2961 of 2020
and
W.M.P.No.3453 of 2020

D.Ravikumar
represented by his Power of Attorney
D.Saradha Petitioner

Vs

1.The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600003.

3.The Zonal Officer,
Zone - V,
No.62, Basin Bridge Road,
Old Washermenpet,
Chennai - 600021.

4.The Executive Engineer,
Zone - V,
No.62, Basin Bridge Road,
Old Washermenpet,
Chennai - 600021.

5.The Assistant Engineer,
Division - 61,
Greater Chennai Corporation,
Egmore, Chennai.

6.M/s.Venus Tailor
represented by its Proprietor,
Mrs.Girija W/o.Dammodharan

7.M/s.Jayanthi Stores
represented by its Proprietor
Mr.Sundharajan S/o.Venkatraman

8.Balaramamurthy
S/o.Raju Naicker

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 2 to 5 from taking coercive action based on the proceedings dated 15.06.2019 in Notice No.Dn61/178/2019 of the second respondent till the disposal of the statutory appeal dated 28.11.2019 pending on the file of the first respondent.

For Petitioner : Mr.J.Deliban
For Respondents : Mr.K.S.Suresh,
Government Advocate [R1]
Mr.K.Raja Shrinivas [R2 to R5]

O R D E R
[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus forbearing respondents 2 to 5 from taking coercive action based on the proceedings dated 15.06.2019 in Notice No.Dn61/178/2019 of the second respondent till the disposal of the statutory appeal dated 28.11.2019 pending on the file of the first respondent.

2. Heard learned counsel for petitioner, learned Government Advocate appearing for first respondent and learned standing counsel for respondents 2 to 5.

3. Learned counsel for petitioner submits that petitioner executed a deed of Power of Attorney appointing his mother Mrs.D.Saratha to act on his behalf in respect of property situated at Door No.31, Vengu Street, Egmore, Chennai, admeasuring 1995 sq.ft. There were some slight deviations in the construction put up in the said property. Upon verification of the approved plan, the Assistant Executive Engineer, Zone-V and fifth respondent issued a Locking, Sealing and Demolition Notice dated 18.03.2019 directing petitioner to restore the construction as per the originally sanction plan. Subsequent thereto, the impugned notice was issued. Since no notice was

issued to the occupiers/tenants in the property, petitioner submitted a representation to third respondent to issue de-occupation notice to them. Petitioner has also sought for time to set right the deviations pointed out by respondents 2 to 5 in the notice dated 18.03.2019. Even after receipt of de-occupation notice, respondents 6 to 8 did not come forward to vacate the premises. Instead, they have filed a civil suit not to evict them without following due process of law. Petitioner filed a statutory appeal under section 80-A of the Tamil Nadu Town & Country Planning Act, 1971, before the first respondent. Till date, the appeal has not been taken up for hearing. Hence, the present petition has been filed seeking the aforesaid relief.

4. Learned standing counsel for respondents 2 to 5/Corporation submits that respondents 6 to 8 are occupiers of the property. Learned standing counsel also submits that a direction may be issued to first respondent to dispose of the petitioner's appeal.

5. In view of the order that is going to be passed, notice to respondents 6 to 8 is dispensed with. The first respondent is directed to dispose of the statutory appeal filed under section 80-A of the Tamil Nadu Town & Country Planning Act, 1971, within a period of eight weeks from the date of receipt of this order, after affording an opportunity of personal hearing to the petitioner as well as to respondents 6 to 8. Status quo, as on date, shall be maintained till the disposal of the statutory appeal preferred by petitioner.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600009.

WEB COPY

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600003.

3.The Zonal Officer,
Zone - V,
No.62, Basin Bridge Road,
Old Washermenpet,
Chennai - 600021.

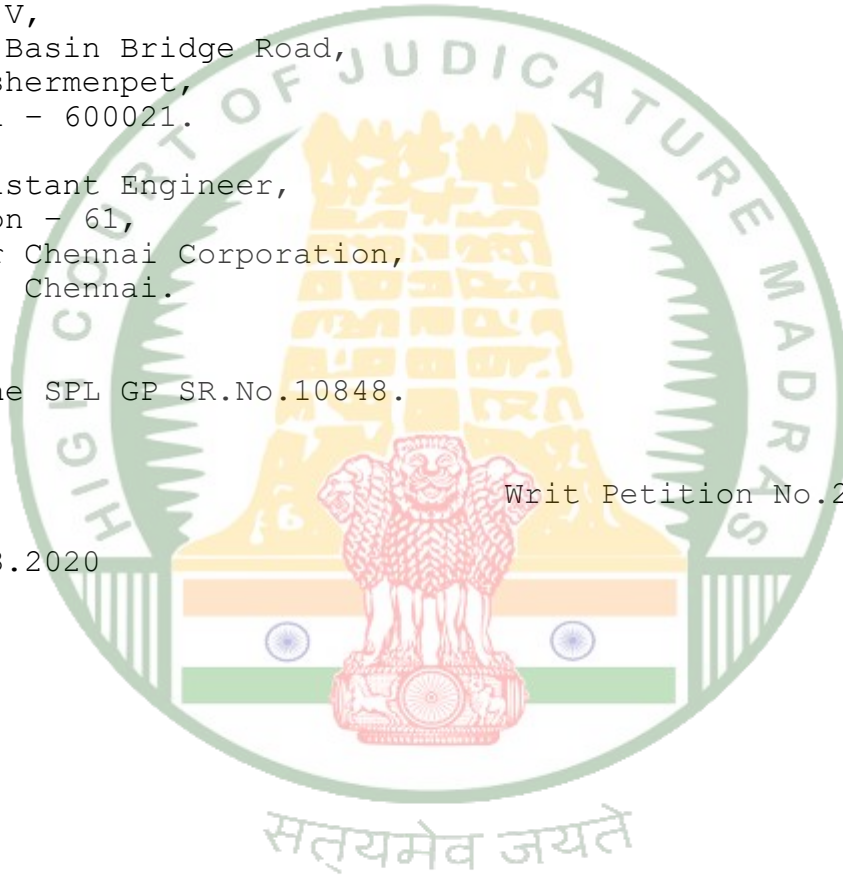
4.The Executive Engineer,
Zone - V,
No.62, Basin Bridge Road,
Old Washermenpet,
Chennai - 600021.

5.The Assistant Engineer,
Division - 61,
Greater Chennai Corporation,
Egmore, Chennai.

+1cc to The SPL GP SR.No.10848.

SSD(CO)
CSR: 16.03.2020

Writ Petition No.2961 of 2020



WEB COPY