

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.4697 of 2020
and
W.M.P.No.5553 of 2020

Mrs. Govindammal

... Petitioner

Vs

1. The Commissioner Greater Chennai Corporation,
Ribbon Building,
Chennai - 600 003.
2. The Executive Engineer,
Zone VII (Ambattur),
No. 536, Chennai Thiruvallur High Road,
Opp. Dunlop Company,
Ambattur,
Chennai - 600 050.
3. The Assistant Executive Engineer,
Unit 19, Greater Chennai Corporation,
Zone - VII (Ambattur),
No. 536, Chennai Thiruvallur High Road,
Opp. Dunlop Company,
Ambattur, Chennai - 600 050.
4. The Assistant Engineer,
Division - 86, Unit - 19,
Zone VII (Ambattur),
Greater Chennai Corporation,
Ambattur,
Chennai - 600 050.
5. The Executive Officer,
Arulmigu Pidari Malaiyathamman,
Venkatesa Permal Kollapuri
Lakshmi Amman Group of Temples,
Mannurpet,

Chennai - 600 050.

6. The Secretary to the Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat,
Fort St. George,
Chennai - 600 009. ... Respondents
(R6 suo motu impleaded vide order dated 17.03.2020)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned Notice No. ZONE-7/DIVISION-86/TPENF/552/2019, dated 31.01.2020 passed by the Second Respondent quash the same and consequently to direct the Respondents not to take any coercive action in the Petitioners property situated at Old No. 139, New No. 32, Kuyavar Street, Mannurpet, Chennai-600 058 in view of the pendency of the Appeal before the Secretary to Government, Housing and Urban Development Department.

For Petitioner : Mr. M. Rajendiran

For Respondent : Mr. K. Raja Srinivas,
Standing Counsel for R1 to R4

Mr. M. Karthikeyan, Special Government
Pleader (HR & CE) for R5

Mr. P.S. Sivashanmuga Sundaram,
Special Government Pleader for R6

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

It is seen from the records that the Petitioner is in occupation of the property as a Lessee under the Fifth Respondent Temple from 1965 after paying the monthly rent to the Temple and paying statutory dues like electricity charges, property tax, etc., to the Corporation. However, the Fourth Respondent has issued notice stating that the Petitioner has put up unauthorized construction and therefore, the building has to be demolished and lock and seal order has been passed on 31.01.2020. However, it is seen that the Petitioner has also filed an appeal before the Secretary to the Government of Tamil Nadu, Housing and Urban Development Department. During the pendency of the appeal, said order dated 31.01.2020 has been issued to seal the premises against which the present Writ Petition has been filed.

2. Mr. K. Raja Srinivas, learned Standing Counsel for the First to Fourth Respondents would submit that so far no steps have been taken to interfere or demolish the building which is in occupation of the Petitioner. Since the appeal filed by the Petitioner is pending before the Secretary to the Government of Tamil Nadu, Housing and Urban Development Department, Secretariat, Fort St. George, Chennai, the said Secretary is suo motu impleaded as the Sixth Respondent. Mr. P.S. Sivashanmuga Sundaram, learned Special Government Pleader takes notice for the Sixth Respondent.

3. Heard Mr. M. Rajendiran, learned Counsel for the Petitioner, Mr. K. Raja Srinivas, learned Standing Counsel for the First to Fourth Respondents, Mr. M. Karthikeyan, learned Special Government Pleader (HR & CE) for the Fifth Respondent and Mr. P.S. Sivashanmuga Sundaram, learned Special Government Pleader for the Sixth Respondent.

4. A perusal of the records shows that the Petitioner is in occupation of the property for many years. However, it is clear that at least from 1992 he is there by paying electricity charges, property tax and monthly rent to the Temple. Therefore, the Petitioner is in possession of the property for about 28 years as proved by the records. Since construction has been put up unauthorisedly, lock and seal notice has been issued. However, the said notice has not been effected.

5. Since the Petitioner has filed an appeal before the Sixth Respondent, who has been suo motu impleaded, this Court directs the Sixth Respondent to dispose of the Petitioner's appeal dated 21.10.2019 filed under Sections 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971, within a period of twelve weeks from the date of receipt of a copy of this order, after hearing the Petitioner. Till such time, no coercive steps should be taken to give effect to the impugned order dated 31.01.2020. सत्यमेव जयते

6. With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ay

To

1. The Commissioner Greater Chennai Corporation,
Ribbon Building,
Chennai - 600 003.
2. The Executive Engineer,
Zone VII (Ambattur),
No. 536, Chennai Thiruvallur High Road,
Opp. Dunlop Company,
Ambattur,
Chennai - 600 050.
3. The Assistant Executive Engineer,
Unit 19, Greater Chennai Corporation,
Zone - VII (Ambattur),
No. 536, Chennai Thiruvallur High Road,
Opp. Dunlop Company,
Ambattur, Chennai - 600 050.
4. The Assistant Engineer,
Division - 86, Unit - 19,
Zone VII (Ambattur),
Greater Chennai Corporation,
Ambattur,
Chennai - 600 050.
5. The Executive Officer,
Arulmigu Pidari Malaiyathamman,
Venkatesa Permal Kollapuri
Lakshmi Amman Group of Temples,
Mannurpet,
Chennai - 600 050.
6. The Secretary to the Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

+1cc to Mr.K.Raja Srinivas, Advocate SR.24177
+1cc to the Government Pleader SR.24491

W.P.No.4697 of 2020
and
W.M.P.No.5553 of 2020

VBA(CO)
CB(25/09/2020)