

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

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

W.P.No.4125 of 2020
and WMP.Nos.4884 & 5339 of 2020

Ganga Bai

... Petitioner

Vs

1. The Commissioner
Chennai Corporation,
Rippon Building,
Chennai 600 003.

2. The Asst.Executive Engineer
Unit - 29, Division 127,
Chennai Corporation,
Chennai.

3. R.S.Madhavan

4. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009.

... Respondents

R4 is impleaded as per order dated 12.03.2020
In WMP.No.5339 of 2020 by NKKJ & RHJ

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 & 2, their men agents, servants or anyone acting on their behalf from in any manner interfering with nor disturb with the petitioner's peaceful possession occupation and enjoyment over the immovable property comprised land and building situate at No.2/14, Jai Nagar, 6th street, Arumbakkam, Chennai 600 106.

For Petitioner : Mr.T.S.Rajamohan

For Respondents: Mr.Rajasrinivas for R1 & R2

O R D E R

[Order of this Court was made by N.KIRUBAKARAN, J]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus forbearing the respondents 1 & 2, their men agents, servants or anyone acting on their behalf from in any manner interfering with or disturb with his property comprising land and building situate at No.2/14, Jai Nagar, 6th street, Arumbakkam, Chennai 600 106.

2. The learned counsel for the petitioner submitted that the petitioner has made construction at No.2/14, Jai Nagar, 6th Street, Arumbakkam, Chennai 600 106. However, at the instance of the third respondent, the official respondents, issued a lock and seal notice stating that it is an unauthorised building. However, the learned counsel for the petitioner submitted that the building has been put up long back and therefore, it is not a new construction.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 & 2. No notice is necessary to third respondent, as this Court intends to direct the petitioner to approach the appropriate authorities by filing proper petition u/s.80A of the Tamil Nadu Town and Country Planning Act, 1971 and also implead the third respondent as a party so that he can also appear before the authorities.

4. Therefore, the petitioner is directed to file a revision petition before the fourth respondent within a period of four weeks from the date of receipt of a copy of this order. It is made clear that without making private party/third respondent herein as a party, the special revision is not maintainable and authorities are directed to see that the third respondent is made as a party. If the petitioner does not make the third respondent as a party while filing such revision petition, the fourth respondent shall give an opportunity of personal hearing to the petitioner as well as to the private respondent/third respondent herein and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks thereafter. The petitioner's building shall not be interfered with until such time.

5. With the above direction, the writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

1. The Commissioner
Chennai Corporation,
Rippon Building,
Chennai 600 003.

2. The Asst.Executive Engineer
Unit - 29, Division 127,
Chennai Corporation,
Chennai.

3.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009.

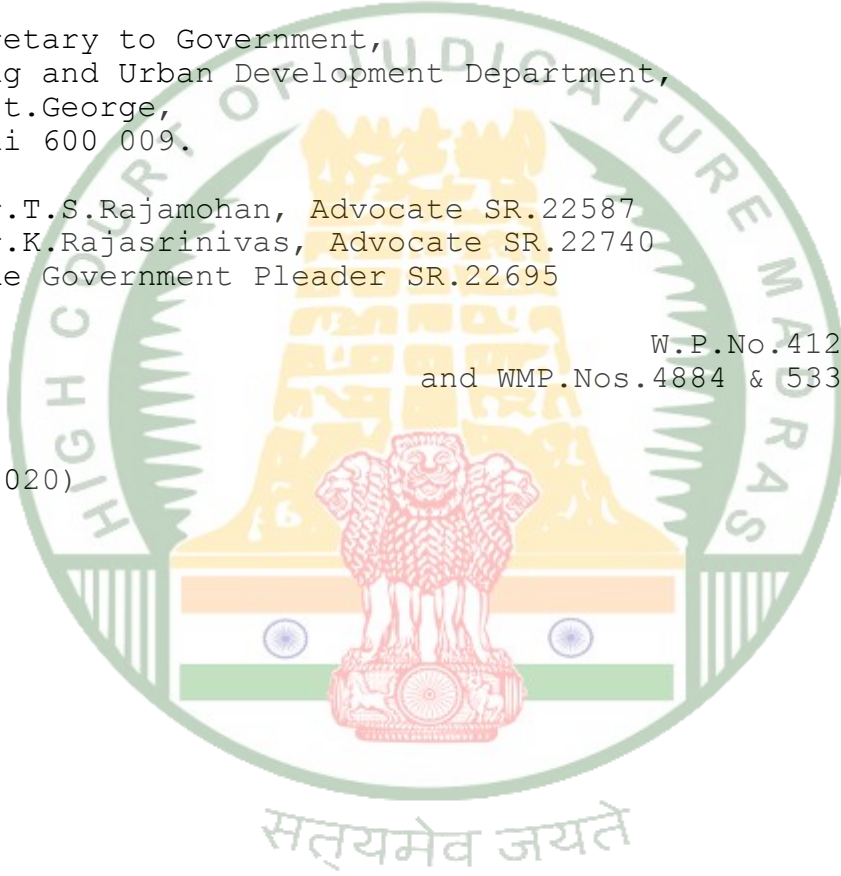
+2cc to Mr.T.S.Rajamohan, Advocate SR.22587

+1cc to Mr.K.Rajasrinivas, Advocate SR.22740

+1cc to the Government Pleader SR.22695

W.P.No.4125 of 2020
and WMP.Nos.4884 & 5339 of 2020

RGN(CO)
CB(24/09/2020)



WEB COPY