

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

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

Writ Petition No.4940 of 2020
and
W.M.P.No.5845 of 2020

Derlin
W/o.Late Bakkil Durai ... Petitioner

Vs

1.The Assistant Engineer,
Zone X Division No.149
Corporation of Chennai,
Dr.Muthulakshmi Salai,
Adayar, Chennai - 600020.

2.The Executive Engineer,
Zone X, Ward No.149,
Corporation of Chennai,
Dr.Muthulakshmi Salai,
Adayar, Chennai - 600020.

3.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing third respondent to remove seal of the premises bearing Door No.5/1, 1st Street, Valleeswaran Thottam Chennai - 600028 and permit the petitioner to remove her articles within a period of four months.

For Petitioner : Mr.S.William

For Respondents : Mr.K.Raja Shrinivas

O R D E R

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

Petitioner has filed the present Writ Petition seeking a direction to third respondent to remove the seal of the premises bearing Door No.5/1, 1st Street, Valleeswaran Thottam Chennai - 600028 and permit the petitioner to remove her articles within a period of four months.

2. Heard learned counsel for petitioner and learned standing counsel appearing for respondents.

3. Learned counsel for petitioner submits that petitioner is the owner of the superstructure bearing Door No.5/1, 1st Street, Valleeswaran Garden, R.K.Nagar, Chennai - 600028. The grievance of the petitioner is that a lock and seal notice dated 14.12.2018 was issued by respondents 1 and 2. There against, petitioner preferred a revision on 12.01.2019 before the Secretary to the Government, Housing and Urban Development Department, Fort St.George, Chennai, u/s.80-A of Tamil Nadu Town and Country Planning Act and the same is pending. While so, respondents 1 and 2 issued a de-occupation notice dated 07.02.2020, in which, it is stated that petitioner has to discontinue the occupation of the premises within 7 days from the date of receipt of the said notice. Due to her poor health, petitioner could not come to Chennai immediately. In the meantime, without giving an opportunity to petitioner, a public notice was affixed on 08.02.2020 and her residence in 2nd floor was sealed. Since all the important property documents, medical reports and household articles, cooking vessels are inside the residence, petitioner submitted a representation to third respondent to remove the seal. Since no action was taken, the present Writ Petition has been filed.

4. Learned standing counsel appearing for respondents submits that respondents are ready to remove the seal for a particular day to enable the petitioner to remove the articles from the residence.

5. Learned counsel for petitioner has also acceded to the said submission.

6. In the aforesaid circumstance, this Court directs the second respondent to fix a particular day within one week to enable the petitioner to remove the articles and after removal of articles, second respondent is directed to seal the premises.

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

Sd/-
Asst.Registrar (CS V)

/true copy/
Sub Asst. Registrar

gm
To

1.The Assistant Engineer,
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Corporation of Chennai,
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2.The Executive Engineer,
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Corporation of Chennai,
Dr.Muthulakshmi Salai,
Adayar, Chennai - 600020.

3.The Commissioner,
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Rippon Building,
Chennai - 600003.

+1 cc to Mr.S.William Advocate srl7231

+1 cc to Mr.K.Raja Srinivas Advocate srl7363

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aa02/03/2020

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