

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.5531 of 2020 &
WMP.No.6468 of 2020

A.Bojiah

.. Petitioner

.Vs.

1. The Secretary to the Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Principal Secretary / Member Secretary,
Chennai Metropolitan Development Authority,
Thalaimuthu Natarajan Malaigai No.11,
Gandhi Irwin road, Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation Ripon Building,
Chennai - 600 003.
4. The Regional Deputy Commissioner,
(South) Greater Chennai Corporation,
Dr.Muthulakshimi Salai, Adyar,
Chennai - 600 020.
5. The Executive Engineer,
Zone 13, Greater Chennai Corporation,
Dr.Muthulakshimi Salai, Adyar,
Chennai - 600 020.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent dated 12.09.2019 in Letter No.5638/UD-VII (2)/2019-2 for Flat No.S3, S4, S5 and quash the same.

For Petitioner .. M/s.Thenmozhi Shiva Perumal
For RR1 .. Mr.R.Vijayakumar, AGP
For RR2 .. Mr.Karthick Rajan
For RR3 to RR5 .. Mr.K.Raja Srinivas

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this writ petition challenging the order dated 12.09.2019. Incidentally, the petitioner has filed an application seeking regularisation.

2.The learned counsel appearing for the petitioner submitted that except the flat, in which, the petitioner resides, all other occupants got their respective tenements de-sealed though residing in the same place. This was done for the reason that the petitioner did not file an application seeking regularisation at the earlier point of time, which he has done so. Therefore, the same benefit will have to be extended to the petitioner also. He further submitted that in a similar case also, this Court has passed such orders to the effect that till the application is disposed of, there shall be an order directing the respondents to de-seal.

3.The learned Standing Counsel appearing for the respondents 3 to 5 also submitted that it is true that similar persons were given such benefits pursuant to the orders passed by this Court.

4. The writ petition stands disposed of directing the respondents to de-seal the premises of the petitioner until and unless the application filed seeking regularisation is disposed of. We make it clear that this order will not enure to the benefit of the petitioner to put up further construction. The respondents shall de-seal within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Secretary to the Government,
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Dr.Muthulakshimi Salai, Adyar,
Chennai - 600 020.
- +1cc to Mr.K.Rajashrinivas, Advocate, Sr.No.30742

W.P.No.5531 of 2020

kj (co)
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सत्यमेव जयते

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