

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.No.9339 of 2020

Janakiraman

.. Petitioner

Vs

- 1.The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat Chennai-9.
- 2.The Secretary to Government,
Housing and Urban Development Department,
Secretariat Chennai-9.
- 3.The Executive Engineer,
Chennai Corporation,
Chennai 03.
- 4.The Executive Engineer,
Greater Chennai Corporation Zone VI,
Chennai 23.
- 5.The Assistant Engineer,
Greater Corporation of Chennai Zone VI,
Unit 17 Division 78 Chennai 60001.
- 6.The Assistant Executive Engineer,
Greater Corporation of Chennai zone VI,
Unit 17 Division 78 Chennai 600 012.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India directing the 1 to 3rd respondents consider the petitioners representation dated 03.07.2020 with in stipulated period and consequently direct the 1 to 3rd respondents issue the suitable direction to the 4 to 6th respondents based on the petitioners representation grievances.

For Petitioner .. Mr.T.V.Elangovan for
Mr.T.V.G.Kartheeban

For Respondents .. Mr.G.K.Muthukumar,
Spl.G.P. For R1 & R2

Mr.R.Gopinath for R3 to R6

ORDER

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

The petitioner has come forward to file this writ petition seeking a direction to respondents 1 to 3 to consider his representation dated 03.07.2020 on the premise that his appeal is yet to be disposed of.

2. The learned counsel appearing for respondents 3 to 6 has produced a copy of the letter of the Additional Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai-9 dated 27.08.2019 by which following order has been passed by disposing of the appeal:-

"5. After careful consideration of the submission made by the appellant, the Government hereby grant 3 months time to the appellant to rectify the defects and to obtain Planning Permission and the building can be de-sealed for 3 months with the following terms:-

(1) Appellant must obtain demolition approved plan from Local Body for showing the rectification proposed to make the construction comply with earlier approved plan or current rules in force.

(2) The Local Body to approve the demolition plan within 10 days from the date of application.

(3) The Local Body must de-seal the building after approval of demolition plan for a period of three months.

(4) The appellant must carry out the rectification, as per approved demolition plan and to submit Planning Permission Application as per site condition.

(5) The building shall not be used for any purpose other than rectification.

(6) After demolition, approval must be obtained. (7) The enforcement notice is stayed for a period of three months given for rectifications and to obtain necessary Planning Permission failing which enforcement action will be perused by Greater Chennai Corporation.

(8) Any violations in the conditions will result in re-sealing without any further notice."

3. In such view of the matter, there is no question of considering the representation of the petitioner as if the appeal is still pending. Thus, the writ petition stands closed, giving liberty to the petitioner to work out his remedy in the manner known to law, if so advised. No costs.

Sd/-
Assistant Registrar (ADI MDU)

//True copy//

Sub Assistant Registrar

raa/kmk

To

- 1.The Chief Secretary to Government,
Government of Tamil Nadu, Secretariat Chennai-9.
- 2.The Secretary to Government,
Housing and Urban Development Department,
Secretariat Chennai-9.
- 3.The Executive Engineer,
Chennai Corporation, Chennai 03.
- 4.The Executive Engineer,
Greater Chennai Corporation Zone VI,
Chennai 23.
- 5.The Assistant Engineer,
Greater Corporation of Chennai Zone VI,
Unit 17 Division 78 Chennai 60001.
- 6.The Assistant Executive Engineer,
Greater Corporation of Chennai zone VI,
Unit 17 Division 78 Chennai 600 012

+1cc to Mr.R.Gopinath, Advocate SR.No.26277

+1cc to Government Pleader, High Court SR.No.26477

WP.No.9339 of 2020

VG II (CO)
GMY (25/09/2020)