

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

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

W.P.No. 10861 of 2020
and W.M.P.No.13182 of 2020

Munni Goswami

.. Petitioner

Vs

1.The Secretary to Government
Housing and Urban Development,
Fort St. George, Chennai - 600009.

2.The Executive Engineer
Zone No. 7 (Ambattur),
Thiruvallur High Road,
Opp Dunlop, Chennai - 600053

3.The Assistant Engineer
Division - 79, Greater Chennai Corporation
Thiruvallur High Road Opp Dunlop
Chennai - 600053.

4.Additional Executive Engineer
Unit - 18 Greater Chennai Corporation
Thiruvallur High Road , Opp Dunlop
Chennai - 600053.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for records of the respondents 2 to 3 made in impugned notice DN79/003/2019 dated 10.08.2020 and quash the same as illegal and arbitrary and non-est in law and consequently forbear the second respondent from Lock and sealing of the petitioner building at Door No. 28, Gandhi Main Road, Oragadam Ambattur, Chennai 600053.

For Petitioner
For Respondents

.. Mr.B.Vijay
.. Mr.G.K.Muthukumar,
Spl. Govt. Pleader for R1
Mr.R.Gopinath for R2 to R4

ORDER

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

Challenging the earlier locking, sealing and demolition notice dated 21.02.2020 issued by the second respondent, the petitioner has already approached the first respondent under the statute by way of a representation dated 19.03.2020. In the meanwhile, the impugned de-occupation notice has been issued on 10.08.2020 and hence the present writ petition has been filed.

2.Though the petitioner has not challenged the locking, sealing and demolition notice dated 21.02.2020, the issue involved is one and the same. Therefore, we call upon the first respondent to consider the relief sought for pursuant to the Special Revision filed on 19.03.2020 along with the issue pertaining to de-occupation notice as well. The appropriate orders will have to be passed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. Till such time, status quo as on today shall be maintained. In order to get over the technical hitch, the petitioner shall also approach the first respondent under the statute, challenging the impugned order before us, within a period of two weeks from the date of receipt of a copy of this order.

3.The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सतरावेक जमाने
Sub Assistant Registrar

mmi/ssm
To

1.The Secretary to Government
Housing and Urban Development,
Fort St. George, Chennai - 600009.

2.The Executive Engineer
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3.The Assistant Engineer
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4.The Additional Executive Engineer
Unit - 18 Greater Chennai Corporation
Thiruvallur High Road , Opp Dunlop
Chennai - 600053.

+2cc to Mr.B.Vijay, Advocate, sr no.26778
+1cc To Mr. K.Rajashrinivas, sr no.26748
+1cc to The Government Pleader, sr no.26863

W.P.No.10861 of 2020

SS(CO)
RMP(03/09/2020)



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