

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

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

W.P.No.13984 of 2020 &
WMP.Nos.17366 and 17367 of 2020

Shruti Gehenwar

..Petitioner

Vs

1. The Secretary to the Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Corporation of Chennai,
rep.by its Commissioner,
Ripon Building,
Chennai-600 003
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalaimuthu Natarajan Malaigai No.11,
Gandhi Irwin road, Chennai - 600 008.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the de-occupation notice bearing reference No.ESI/9296/2007, dated December 13, 2017 issued by the third respondent herein under Section 56-Sub Section 2(A) & 57 read with Section 85 of the Town and Country Planning Act, 1971 in relation to the petitioners property situated at 5th Floor, K.G.Eternia, 14/50, K.B.Dasan Road, Alwarpet, Chennai-600 018 and quash the same and further direct the first respondent to de-seal the scheduled premises pending disposal of the petitioners Regularization application under Section 113 - C of the Town and Country Planning Act, 1971 pending before the 3rd respondent.

For Petitioner .. Mr.L.Chandrakumar
For Respondents .. Mr.R.Vijayakumar,
Addl. Govt. Pleader for R1
Mr.K.Raja Srinivas for R2
Mr.Karthik Rajan for R3

ORDER

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

The petitioner has come forward to file this writ petition challenging the de-occupation notice dated 13.12.2017. 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 counsel appearing for the third respondent 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 petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1. The Secretary to the Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

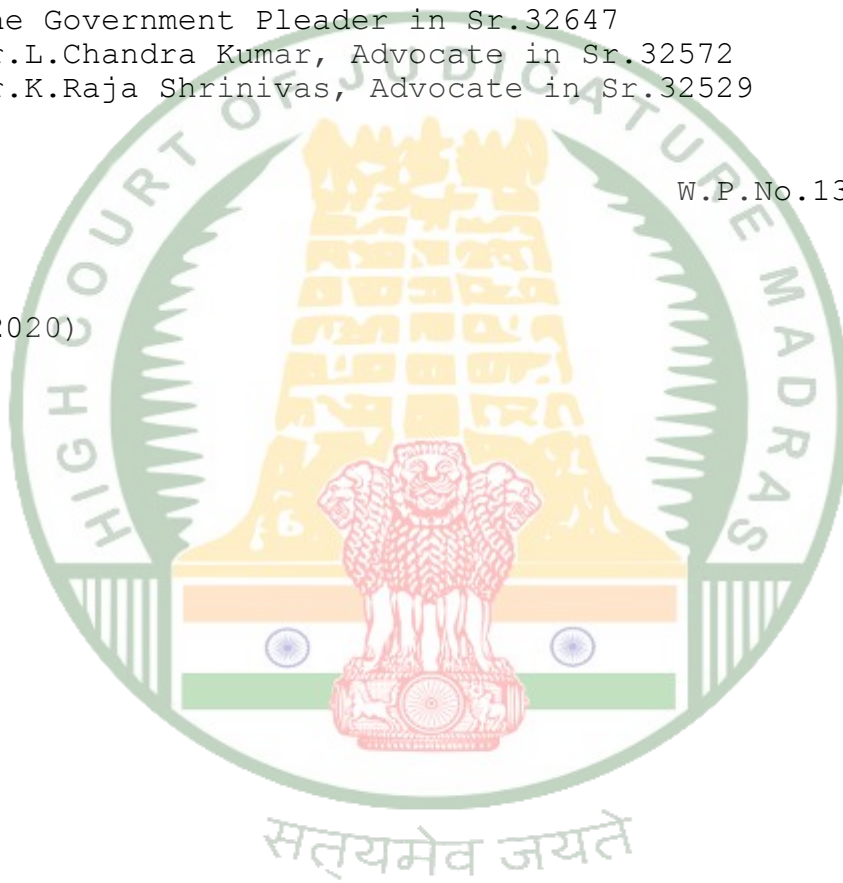
2. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai-600 003

3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalaimuthu Natarajan Malaigai No.11,
Gandhi Irwin road, Chennai - 600 008

+1cc to Mr.Karthick Rajan, Advocate in Sr.32592
+1cc to the Government Pleader in Sr.32647
+1cc to Mr.L.Chandra Kumar, Advocate in Sr.32572
+1cc to Mr.K.Raja Shrinivas, Advocate in Sr.32529

W.P.No.13984 of 2020

SSI (CO)
RV(16/10/2020)



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