

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.Nos.16910 & 16918 of 2020
and W.M.P.Nos.20992 & 20985 of 2020

D.J.Amarchand .. Petitioner in W.P.No.16910 of 2020
K.Bhagaram .. Petitioner in W.P.No.16918 of 2020
Versus

1.Executive Engineer, Zone-VII
Greater Chennai Corporation,
Thiruvallur High Road,
Opp.Dunlop,
Ambattur, Chennai 600 053.

2.Assistant Engineer, Division 91, Zone VII
Greater Chennai Corporation,
Thiruvallur High Road,,
Opp.Dunlop, Ambattur, Chennai 600 053.

3.The Secretary to Government,
Housing and Urban Development Department,
St.George Fort,
Secretariat, Chennai 600 009. .. Respondents in both petitions

Prayer in W.P.No.16910 of 2020:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the third respondent to consider and pass orders in the Appeal dated 16.10.2020 filed by the Petitioner challenging the Locking and Sealing and Demolition Notice in No. Zone -VII / TPENF/ DN -091 /70 (1) /2020 dated 13.10.2020 in respect of premises bearing Plot No.3/703, 3rd Block, Mogappair West Chennai -600 037 and also the stay petition filed along with the Appeal dated 16.10.2020 within a time period to be fixed by this Court and consequently forbearing the first and second respondents from taking coercive steps pursuant to the Notice in No. Zone -VII/ TPENF / DN -091 / 70 (1)/ 2020 dated 13.10.2020 till disposal of Appeal dated 16.10.2020 by the first respondent.

Prayer in W.P.No.16918 of 2020:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the third respondent to consider and pass orders in the Appeal dated 16.10.2020 filed by the Petitioner challenging the Locking and Sealing and Demolition Notice in No. Zone -VII / TPENF/ DN -091 /70 (1) /2020 dated 13.10.2020 in respect of premises bearing Plot No.3/703,

3rd Block, Mogappair West Chennai -600 037 and also the stay petition filed along with the Appeal dated 16.10.2020 within a time period to be fixed by this Court and consequently forbearing the first and second respondents from taking coercive steps pursuant to the Notice in No. Zone -VII/ TPENF / DN -091 / 70 (1)/ 2020 dated 13.10.2020 till disposal of Appeal dated 16.10.2020 by the first respondent.

For Petitioners in both petitions: Dr.C.Ravichandran

For R1 to R2 in both petitions : Mr.M.Ganesan, Standing counsel

For R3 in both petitions : Mr.R.Vijayakumar
Additional Government Pleader

COMMON ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

In these cases, the petitioners are issued with Locking, Sealing and Demolition notices dated 13.10.2020 and it is relevant to extract the same:

W.P.No.16910 of 2020:

<i>S.No</i>	<i>Description</i>	<i>As per plan</i>	<i>As per site</i>	<i>Deviated/unauthorised</i>
1.	Ground Floor / Stilt	68.28 sqm	117.85 sqm	Deviation
2.	First Floor	68.28 sqm	117.85 sqm	Deviation
3.	Second Floor	Nil	117.85 sqm	Unauthorised
4.	Third Floor	Nil	33.36 sqm	Unauthorised

W.P.No.16918 of 2020:

S.No	Description	As per plan	As per site	Deviated/unauthorised
1.	Ground Floor / Stilt	64.08 sqm	111.94 sqm	Deviation
2.	First Floor	67.04sqm	111.94 sqm	Deviation
3.	Second Floor	Nil	111.94 sqm	Unauthorised
4.	Third Floor	Nil	27.22 sqm	Unauthorised

2. Dr.C.Ravichandran, learned counsel appearing for the petitioners would submit that challenging the said notices, the petitioners had Special Revisions / appeals under Section 80-A of the Town and Country Planning Act, 1971 and since a portion of the premises are used for commercial purposes, prays for interim protection, till the disposal of these Writ Petitions.

3. *Per contra*, Mr.M.Ganesan, learned standing counsel appearing for the respondents 1 and 2 would submit that the petitioners in brazen violation of the Sanctioned Plan, not only deviated from the plan but also put up additional constructions in the form of unauthorised constructions and since the action has taken strictly in accordance with law, they are not expected to make any grievances and prays for dismissal of these Writ Petition.

4. This Court has carefully considered the rival submissions and also

perused the materials placed before it.

5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioners, either in their Statutory Revisions / appeals, filed before the 3rd respondent or these Writ Petitions, directs the 3rd respondent to entertain the said Statutory Revisions / appeals, if the papers are otherwise in order and dispose of the same, in accordance with law, as expeditiously as possible.

6. The Writ Petitions stand disposed of, accordingly. No costs. Consequently connected miscellaneous petitions are closed.

सत्यमेव जयते

[M.S.N.,J]

[R.H., J]

07.12.2020

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Internet : Yes/No

Index : Yes/No

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M.SATHYANARAYANAN, J.,

AND

R.HEMALATHA, J

sk

To

1.Executive Engineer, Zone-VII

Greater Chennai Corporation,

Thiruvallur High Road,

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Ambattur, Chennai 600 053.

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