

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.3431 of 2021
and W.M.P.Nos.3931 of 2021

Manjula

.. Petitioner

Versus

1.The State of Tamil Nadu rep.by its
Principal Secretary to Government
Housing and Urban Development Department,
Secretariat, Chennai 9.

2.Executive Engineer,
Zone 11, Unit 34,
Division 151,
Greater Chennai Corporation,
Valasaravakkam, Chennai.

3.The Assistant Executive Engineer,
Zone 11, Unit 34,
Division 151,
Greater Chennai Corporation,
Valasaravakkam, Chennai.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Forbearing the 2nd and 3rd respondent from initiating any coercive action pursuant to locking and sealing Notice Ref.No.DN. 151/ 001/ 2020 dated 12.12.2020 issued under sections 56 and 57 read with section 85 of the town and country planning Act, 1971 alleging unauthorized construction of building at plot No.5, Thirumurugan Nagar, 2nd cross street, porur Chennai- 600116, pending disposal of the Appeal dated 02.11.2020 filed under section 80A of the Town and country planning Act 1971 as amended and pass.

For Petitioner :	Mr.B.Harikrishnan
For RR1 :	Mr.Kamalesh Kannan
	Government Advocate
For RR2 & 3 :	Mr.K.Rajasrinivas
	Standing Counsel

ORDER

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

The learned counsel appearing for the petitioner would submit that challenging the De-occupation notice dated 12.10.2020, the husband of the petitioner had filed an appeal / Special Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent and also filed a petition for stay and it is yet to be disposed of and in the interregnum, once again, Locking and Sealing notice came to be issued on 12.12.2020 and therefore, apprehending locking, sealing and deoccupation, came forward to file this Writ Petition.

2. When the matter was taken up in the morning, it was passed over, so as to enable the learned counsel appearing for the petitioner to get further instructions.

3. Mr.Raja Srinivas, learned Standing Counsel (Corporation) who accepted notice on behalf of the respondents 2 and 3 would submit that the father of the petitioner on an earlier occasion, filed W.P.No.13877 of 2020, praying for Writ of Mandamus, to direct the 3rd respondent to demolish the unauthorised construction put up by the 4th respondent in Door No.4, Thirumurugan Nagar, 2nd Cross Street, Porur, Chennai -116 and the said Writ Petition came to be dismissed with cost of Rs.5,000/- and he would further add that in the absence of any interim order in the pending Special Revision / Appeal, it is always open to the Greater Chennai Corporation to proceed further.

4. The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner may be permitted to withdraw this Writ Petition with a remedy to expedite the proceedings before the 1st respondent in the petition filed for interim relief and also undertakes to sent an endorsement through E-mail to the Registry of this Court.

5. In the light of the same, the Writ Petition is dismissed as withdrawn and the petitioner is at liberty to proceed with the alternative remedy invoked before the 1st respondent. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS.III)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government
The State of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai 9.

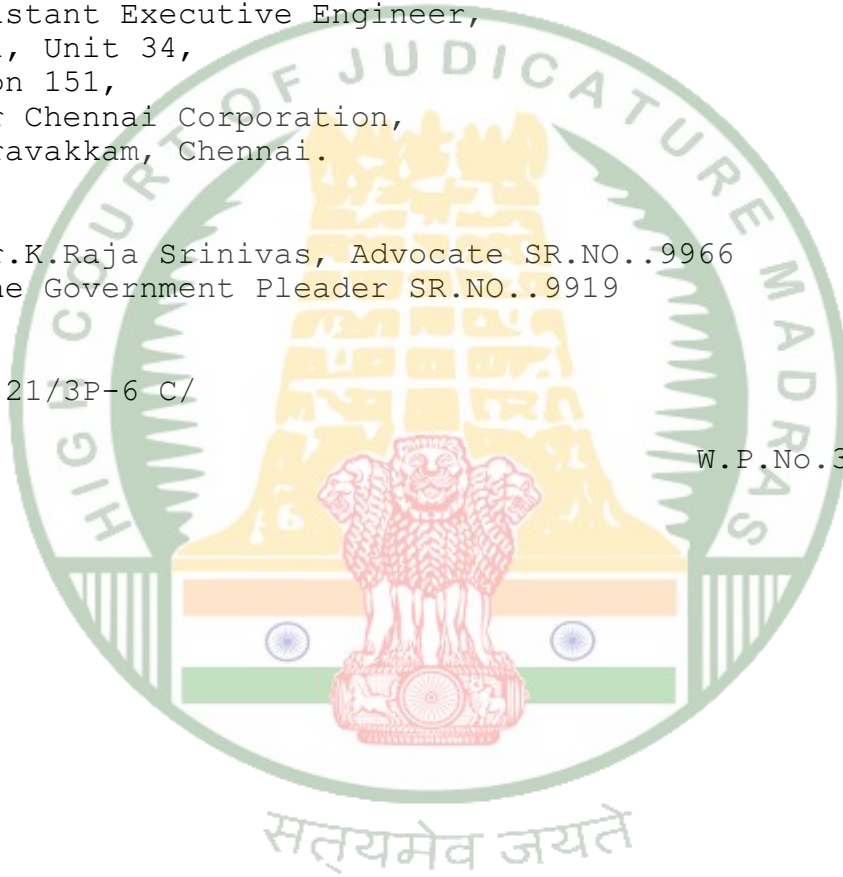
2.The Executive Engineer,
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Valasaravakkam, Chennai.

3.The Assistant Executive Engineer,
Zone 11, Unit 34,
Division 151,
Greater Chennai Corporation,
Valasaravakkam, Chennai.

+1cc to Mr.K.Raja Srinivas, Advocate SR.NO..9966
+1cc to The Government Pleader SR.NO..9919

AKM/17.03.21/3P-6 C/

W.P.No.3431 of 2021
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