



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.4220 of 2021
and
W.M.P.Nos.4818 & 9386 of 2021

K.Vimalamma

... Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 083.

2.The Executive Engineer,
Greater Chennai Corporation,
Zone-15,
No.120, Rajiv Gandhi Salai
(Old Mahabalipuram Road),
Sozhinganallur, Chennai - 119.

3.The Assistant Executive Engineer,
Greater Chennai Corporation,
Unit-44, Zonal Office,
No.120, Rajiv Gandhi Salai
(Old Mahabalipuram Road),
Sozhinganallur, Chennai - 119.

4.The Assistant Engineer,
Greater Chennai Corporation,
DIV - 192,
No.120, Rajiv Gandhi Salai
(Old Mahabalipuram Road),
Sozhinganallur, Chennai - 119.

5.The Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

(R5 impleaded vide order dated 06.08.2021 made
in W.M.P.No.7578 of 2021 in W.P.No.4220 of 2021)

... Respondents



PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, forbearing the Respondents their men, agents, servants, subordinates or any other person or persons claiming through them or authorized by them from interfering with the Petitioner's right by locking and sealing the building at Plot No.47/145, Ranga Reddy garden 2nd Main Road, Neelangarai, Chennai - 600115, till the disposal of the appeal dated 15.02.2021 under Section 80A filed before the 1st Respondent.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel for
Mrs.AL.Gandhimathi.

For Respondents : Mr.K.Raja Srinivas, Standing Counsel
for R1 to R4.
Mrs.R.Anitha, State Government Counsel
for R5.

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

2.It is seen from the records that the Petitioner has put up construction after getting building permit and planning permit on 15.05.2019 from the Second Respondent in Plot No.47/145, Ranga Reddy garden 2nd Main Road, Neelangarai, Chennai - 600115 and the said building is in occupation of the tenants of the Petitioner for commercial purpose.

3.When things stand so, a stop work notice was issued to the Petitioner on 13.10.2020 and subsequently, Lock & Seal and demolition notice was issued on 21.12.2020 and thereafter, de-occupation notice was issued by the Respondents on 03.02.2021 alleging that the construction is in violation of the approved plan. Hence, the Petitioner has filed an Appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 against the de-occupation notice dated 03.02.2021 and since the said Appeal has not been disposed, the Petitioner has come before this Court.

4.It is seen that this Court by order dated 22.02.2021, taking note of the fact that there is a sanctioned plan and there is a deviation of the same, directed disconnection of electricity and to defer further decision for demolition of unauthorized construction till 17.03.2021.

5.When the matter is called today, the Learned Senior Counsel appearing for the Petitioner submitted that pursuant to the order passed by this Court, the electricity connection has



been disconnected in the said premises and because of that the Petitioner as well as the tenants occupying the premises are suffering for the past five months and therefore, he seeks restoration of the electricity connection. Further, it is also stated that Appeal has also been filed by the Petitioner under Section 80A of the Town and Country Planning Act, 1971 against the De-occupation notice dated 03.02.2021.

6. Heard Mr. AR. L. Sundaresan, Learned Senior Counsel for the Petitioner and Mr. K. Raja Srinivas, Learned Standing Counsel for the Respondents 1 to 4 and Mrs. R. Anitha, Learned State Government Counsel for the Fifth Respondent.

7. It is submitted by the Learned Standing Counsel appearing for the Respondents 1 to 4 that entire second floor of the said premises is an unauthorized construction and there are deviations in making ground floor and first floor. Taking note of the fact that tenants are occupying the premises and running office in ground floor and first floor and they are suffering without electricity connection, it is appropriate to restore the electricity connection for ground floor and first floor. Since the second floor has no electricity connection, it shall not be used by the Petitioner and the Respondents are directed to seal the second floor of the said premises.

8. Taking into consideration of the fact that Appeal has been preferred by the Petitioner before the Fifth Respondent, the Fifth Respondent is directed to dispose of the Appeal filed by the Petitioner within a period of six months from the date of receipt of a copy of this order. It is made clear that till the disposal of the Appeal, there shall not be any locking and sealing of the property of the Petitioner except the second floor of the said premises.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

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Housing and Urban Development Department,
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Chennai - 600 009.

+lcc to Mr.K.Rajashrinivas, Advocate, S.R.No.38916
+lcc to Mr.AL.Gandhimathi, Advocate, S.R.No.39183
+lcc to the Government Pleader, S.R.No.39111

W.P.No.4220 of 2021
and
W.M.P.Nos.4818 & 9386 of 2021

CP(CO)
GN(14/09/2021)