

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.6793/2021 & WMP.No.7352/2021

Mrs.Shashikalaa Kumar ... Petitioner

Versus

- 1.The State of Tamil Nadu
rep.by its Secretary to Government
Housing and Urban Development
Department, Fort St George
Chennai 600 009,
 - 2.The Commissioner
Greater Chennai Corporation
Rippon Buildings, Chennai 600 003.
 - 3.The Executive Engineer
Greater Chennai Corporation
Zone-VIII, 2nd Cross Street
East Pulla Avenue, Shenoy Nagar
Chennai 600 030.
 - 4.The Assistant Executive Engineer
Greater Chennai Corporation, Division-94,
Zone-VIII, 2nd Cross Street
East Pulla Avenue, Shenoy Nagar
Chennai 600 030.
 - 5.The Assistant Engineer
Greater Chennai Corporation
Division-94, Zone-VIII, 2nd Cross Street
East Pulla Avenue, Shenoy Nagar
Chennai 600 030.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents 3 to 5 from in any way interfering with the petitioner's premises at Door No.4, Plot No.100-A, South Jaganathan Nagar, 4th Cross Street, Villivakkam, Chennai 600 049 more particularly by way of locking, sealing and

demolition of the same, pending final determination of the petitioner's special revision petition and stay petition dated 09.11.2020 filed under section 80A and 80[A][3] of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

For Petitioner : Mr.G.V.Sridharan

For R1 : Mr.R.Vijayakumar
Additional Government Pleader

For R2 to R5 : Mr.K.Raja Srinivas
Standing Counsel

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and Mr.K.Raja Srinivas, learned Standing counsel accepts notice on behalf of respondents 2 to 5.
- (3) The petitioner claims to be the owner of the land and superstructure bearing Old Door No.4, New No.100-A, at South Jagannathan Nagar, 4th Cross Street, Villivakkam, Chennai-49, through a registered Sale Deed bearing Doc.No.5299/2010 dated 03.11.2010 registered on the file of the office of the Sub Registrar, Konnur and claims to be in possession.
- (4) The learned counsel for the petitioner would submit that at the instance of one Balakrishnan, an inspection was caused by the Assistant Engineer, attached to the Greater Corporation of Chennai and it was followed by a Locking and Sealing and Demolition Notice dated 24.10.2020 issued by respondents 3 to 5 alleging in the ground floor, there is an unauthorised construction to the measurement of 20.08 sq.m. The learned counsel would further submit that in response to the said Notice, a detailed Reply dated 03.11.2020 has also been submitted by the petitioner to the 3rd respondent and that apart, a special revision/appeal under section 80-A of the Town and Country Planning Act, 1971, along with a prayer for interim relief, has also been filed challenging, the said notice and the same is pending on the file of the 1st respondent and despite pendency of the same, further action is being taken to demolish the alleged offending construction and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

(5)The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the 1st respondent and Mr.K.Raja Srinivas, learned Standing counsel appearing for the respondents 2 to 5 and also perused the materials placed before it.

(6)Though the petitioner has prayed for a larger relief, this Court, in the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in her special revision/appeal pending before the 1st respondent or in this writ petition, directs the 1st respondent to entertain the special revision/appeal dated 09.11.2020, if the papers are otherwise in order and thereafter, take up the petition for stay filed u/s.80[A][3] of the Town and Country Planning Act, 1971, and give a disposal in accordance with law within a period of six weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner and till such time, respondents 3 to 5 shall defer further decision in terms of the impugned Locking and Sealing and Demolition Notice dated 24.10.2020. It is made clear that the petitioner, till the disposal of the special revision / appeal by the 1st respondent, shall not create any third party rights or alter the physical features of the land and superstructure in question.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1.The Secretary to Government,
State of Tamil Nadu, Housing and Urban Development,
Department, Fort St George,
Chennai 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.

3.The Executive Engineer,
Greater Chennai Corporation,
Zone-VIII, 2nd Cross Street,
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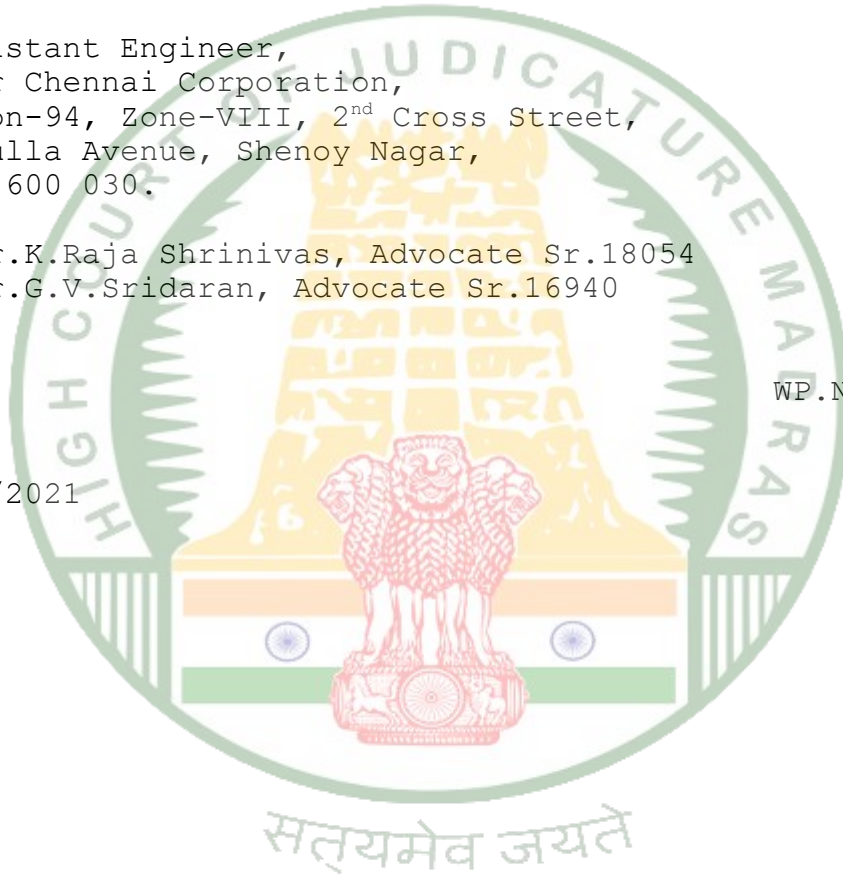
4.The Assistant Executive Engineer,
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5.The Assistant Engineer,
Greater Chennai Corporation,
Division-94, Zone-VIII, 2nd Cross Street,
East Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

+1cc to Mr.K.Raja Shrinivas, Advocate Sr.18054
+1cc to Mr.G.V.Sridaran, Advocate Sr.16940

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srg 08/04/2021



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