

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

AND

THE HONOURABLE MRS.JUSTICE T.V. THAMILSELVI

W.P. No. 8891 of 2021

&

W.M.P. No. 9429 of 2021

Mrs.A. Shabana Begum

...Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
2. The Executive Engineer,
Zone - 04,
No.266, Thiruvotriyur High Road,
Chennai - 600 021.
3. The Assistant Executive Engineer,
Unit - 09,
No.266, Thiruvotriyur High Road,
Chennai 600 021.
4. The Assistant Engineer,
Division 34,
No.266, Thiruvotriyur High Road,
Chennai - 600 021.
5. The Chennai Metropolitan
Development Authority, rep. by its
Managing Director,
Thalamuthu Natarajan House,
No.01, Gandhi Irwin Road,
Ansari Estate, Egmore, Chennai.
6. The Government of Tamil Nadu,
rep. by its Secretary,
Housing and Urban Development
Department,
Fort St. George,
Chennai.

(R5 & R6 suo motu impleaded vide order dated 08.04.2021 made in W.P. No. 8891/2021 by NKKJ, TVTSJ)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records relating to the impugned order dated 07.12.2020 passed by the 2nd, 3rd and 4th respondents in Letter No. 04/00070/2020 and quash the same.

For Petitioner : Mr.S. Senthilnathan

For Respondents : Mr. Raja Shrinivas for
R1 to R4
Mr.P.S. Ganesh for R5
Mr.S. Kamalesh Kannan,
Govt. Advocate for R6

O R D E R

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

The matter was heard through videoconferencing.

2. The petitioner is the owner of the property bearing Plot No.577 in the layout known as "Sri Durga Avenue", Selavoyal, Chennai - 600 051. The said plot measures about 600 sq.ft comprised in Survey Nos. 77 (Part) and 78 (Part) & 79 (Part), now, as per patta Town Survey No. 6/22 in Block No. 4 in Selavoyal Village, previously in Fort Tondiarpet Taluk, now Perambur Taluk, Chennai District. The petitioner has constructed a small house to an extent of 580 sq.ft in the said plot and the construction was completed in September, 2020. With regard to the said construction only, the impugned order, namely, lock and seal and demolition notice dated 07.12.2020 has been issued. The said notice is being challenged before this Court.

3. Heard Mr.S. Senthilnathan, learned counsel for the petitioner, Mr.Raja Shrinivas, learned counsel for respondents 1 to 4, Mr.P.S. Ganesh, learned counsel for the 5th respondent and Mr.S.Kamalesh Kannan, learned Government Advocate for the 6th respondent.

4. Since an appeal lies before the 6th respondent as against the the impugned order under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971 and so far, the petitioner has not exhausted the said alternate remedy, the writ petition is disposed of with a direction to the petitioner to prefer an appeal before the 6th respondent, namely, the Secretary, Housing and Urban Development Department, within four weeks from the date of receipt of a copy of this order and on such appeal being filed, the 6th respondent is directed to entertain the appeal, afford an opportunity to the petitioner and dispose of the appeal within

twelve weeks from the date of filing of the appeal. Till the appeal is disposed of and the order copy is served upon the petitioner, no coercive steps shall be taken against the petitioner. No costs. Connected W.M.P. is closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

nv

To

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4. The Assistant Engineer,
Division 34,
No.266, Thiruvotriyur High Road,
Chennai - 600 021.
5. The Managing Director,
The Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan House,
No.01, Gandhi Irwin Road,
Ansari Estate, Egmore, Chennai.
6. The Secretary,
The Government of Tamil Nadu,
Housing and Urban Development
Department,
Fort St. George,
Chennai.

W.P. No. 8891 of 2021

LN (CO)

RLP (12.07.2021)

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