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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 16295 of 2021
and
W.M.P. Nos. 17247 and 17248 of 2021

1. Ms. Pushpa Mehta
2. Mr. Anilkumar Gupta
3. Mr. Suresh Mehta
4. Mr. Haridoss
5. Mr. Virendra Kumar Agarwal ... Petitioners

Vs.

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 Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Road, Egmore
Chennai - 600 008. ... Respondents

PRAYER : Petition filed under Section Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the Second Respondent culminating in Letter No. EC/C-II/6556/2019 dated 09.03.2021 and quash the same.

For Petitioner : Ms. P.R.Vandana
For M/s. Surana and Surana
For Respondents : Mrs. R.Anitha (For R1)
State Government Counsel
Mr. P.S.Ganesh (For R2)



ORDER

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

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The matter was heard through ''Video Conference''.

2. The Petitioners have come before this Court challenging the Locking & Sealing and Demolition notice dated 09.03.2021 in Letter No. EC/C-II/6556/2019 issued by the Second Respondent in respect of building bearing Door No. 24, Dr. Nair Road, T.Nagar, Chennai - 600 017.

3. The Petitioners contend that the original owners put up the construction, after getting approval from the appropriate authorities. The subject property consisting of apartments were sold to various parties, who are in possession and enjoyment of the properties.

4. When things stand so, a demolition notice dated 10.09.1997 was issued to the co-owners of the subject property. Challenging the same, the Writ Petition in W.P. No. 14139 of 1997 was filed. By order dated 16.09.1997, this Court directed the authorities not to implement the demolition notice dated 10.09.1997 for a period of three months and liberty was given to move necessary application by submitting the plan for approval before the authorities. Pursuant to the orders of this Court the applications filed were rejected by order dated 02.02.1998. Subsequently, the Appeal dated 31.03.1998 filed was also rejected.

5. However, a new regularization scheme was introduced in the year 1999 to regularize all unauthorised constructions and in deviation of the sanctioned plan. The said scheme covered the period from 01.03.1999 to 29.05.1999. Application for regularization was filed on 29.05.1999. While so, the impugned order has been issued. Aggrieved thereby, the Petitioners have come before this Court by way of this Writ Petition.

6. Consequently, the impugned order has been challenged by way of filing an Appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the First Respondent on 31.03.2021. In view of that, they seek for early disposal of the above Appeal filed.

7. Considering the facts and circumstances of the case, there shall be a direction to the First Respondent to dispose of the Appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 in respect of the subject property,



after affording full opportunity of hearing to the Petitioners, on its own merits, within a period of six months from the date of receipt of a copy of this order. No coercive steps shall be taken against them by the Official Respondents till then.

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8. With the above direction, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Road, Egmore
Chennai - 600 008.

+1cc to the Government Pleader, S.R.No.39109

W.P. No. 16295 of 2021

GPL(CO)

RLP(03/09/2021)