



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM :

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

W.P.No.10524 of 2021
and WMP.No.11108 of 2021

Piramu

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort St. George,
Chennai - 9.
- 2.The Greater Chennai Corporation,
Rep by its Commissioner,
Rippon Buildings,
Chennai - 600 003.
- 3.The Executive Engineer,
Zone - XI,
Greater Chennai Corporation,
No.33, Arcot Road, Valasaravakkam,
Chennai - 600 087.
- 4.The Assistant Executive Engineer U-34,
Greater Chennai Corporation,
No.33, Arcot Road, Valasaravakkam,
Chennai - 600 087.
- 5.The Assistant Engineer Div-155,
Greater Chennai Corporation,
No.33, Arcot Road, Valasaravakkam,
Chennai - 600 087.
- 6.The Chennai Metropolitan Development Authority,
Represented by its Member-Secretary,
No.8, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

...Respondents



PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, restraining the respondents from in anyway taking coercive steps like locking and sealing or demolishing any part of the petitioner's premises in Plot No.19, Door No.3/8, Anish Nagar 2nd Street, Ramapuram, Chennai - 600 089, pending consideration of the petitioner's statutory appeal filed before the 1st respondent dated 12.04.2021 against the de-occupation notice dated 24.03.2021 and the petitioner's application for regularization vide Receipt No.CMDA/Reg-113C/752/2018, dated 20.12.2018 and addition to application for revised plan dated 23.01.2021.

For Petitioner : Mr.P.Wilson
Senior Counsel

For Respondents: Mr.S.Kamalesh Kannan
Government Advocate for R1

Mr.Raja Sreenivas for R2 to R5
Mrs.Veena Suresh for R6

ORDER

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

The matter was heard through "Video Conference".

2.The petitioner is the absolute owner of the property situated at Plot No.19, Door No.3/8, Anish Nagar 2nd Street, Ramapuram, Chennai - 600 089. Since the existing building was in dilapidated condition, the petitioner after obtaining planning permission on 29.10.2015, demolished and reconstructed the building. Thereafter, the respondents issued stop work notice/calling for approved plan vide Notice No.U34/D155/C.No.1/2016, dated 02.11.2016 followed by locking, sealing and demolition Notice No.Sone XI/21/2016, dated 21.11.2016, on the ground of deviation.

3.The petitioner have filed an appeal, against the said notice under Section 80A of the Town and Country Planning Act. She would also filed W.P.No.1902 of 2017, seeking direction to the respondents to examine the appeal and stay petition. The Government through letter dated 20.07.2018, granted stay of the stop work notice dated 02.11.2016.

4.The issue regarding the deviation reached the Hon'ble Supreme Court in SLP (C)No.15424 of 2020, unsuccessfully, at the instance of the petitioner. Thereafter, the petitioner filed revised plan on 23.01.2021 and the same is pending. In the



meanwhile, De-occupation notice has been issued on 24.03.2021. Against the said De-occupation notice, the petitioner has already filed an appeal before the first respondent and the same is also pending. Therefore, the petitioner seeks a direction to the first respondent to dispose of the appeal.

5. Heard Mr.P.Wilson, learned Senior Counsel appearing on behalf of the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate appearing on behalf of the 1st respondent and Mr.Raja Srinivas, learned counsel appearing on behalf of respondents 2 to 5 and Mrs.Veena Suresh, learned counsel appearing on behalf of the 6th respondent.

6. Since the petitioner's application for approval of revised plan dated 23.01.2021 is pending, it is appropriate to direct the first respondent to dispose of the matter on or before 31.07.2021, after giving opportunity of personal hearing to the petitioner. Till the appeal is disposed of, there shall not be any coercive steps on the part of the respondent against the petitioner.

7. Accordingly, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu,
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2.The Greater Chennai Corporation,
Rep by its Commissioner,
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Represented by its Member-Secretary,
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Chennai - 600 008.

+1cc to Mr.Richardson Wilson, Advocate, S.R.No.26109

+1cc to M/s.Veenasuresh, Advocate, S.R.No.26231

W.P.No.10524 of 2021

JPL(CO)
RGA(06/08/2021)