

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM :

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

W.P.No.10630 of 2021
and WMP.No.11244 of 2021

R.Revathy

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai - 9.

2.The Greater Chennai Corporation,
Rep. by its Commissioner,
Rippon Buildings, Chennai - 600 003.

3.The Executive Engineer,
Greater Chennai Corporation,
Zone-VII, Division-81, Ambattur,
Chennai - 600 053.

4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Zone-VII, Division - 81, Ambattur,
Chennai - 600 053.

5.The Assistant Engineer,
Greater Chennai Corporation,
Zone-VII, Division - 81, Ambattur,
Chennai - 600 053.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 to 5 from in any way interfering with the petitioner's building put up at No.5, Pallam Street, Krishnapuram, Ambattur, Chennai - 600 053, more particularly by way of locking, sealing and demolition of the same, pending final determination of petitioner's Appeal petition and stay petition dated 12.04.2021 filed under Section 80(A) and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.S.Kamalesh Kannan
Government Advocate for R1
Mr.Raja Srinivas for R2 to R5

ORDER

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

The matter was heard through "Video Conference".

2.This writ petition has been filed seeking a Writ of Mandamus directing the respondents 2 to 5 from in anyway interfering with the petitioner's building put up at No.5, Pallam Street, Krishnapuram, Ambattur, Chennai - 600 053, more particularly by way of locking, sealing and demolition of the same, pending final determination of petitioner's Appeal petition and stay petition dated 12.04.2021 filed under Section 80(A) and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

3.The petitioner is the absolute owner of the property bearing No.5, Pallam Street, Krishnapuram, Ambattur, Chennai - 600 053, the petitioner obtained sanction plan from the Ambattur Municipality on 20.10.2011 and put up a construction. However, alleging that there is a deviation in the construction, a show cause notice was issued by the 4th respondent on 19.01.2021 and a reply was given on 29.01.2021. Thereafter, lock and seal notice was issued on 16.03.2021 against the lock and seal notice, the petitioner has preferred an appeal under Section 80 A (3) of the Tamil Nadu Town and Country Planning Act on 12.04.2021. The said appeal has not been disposed of, therefore, the petitioner has come before this Court.

4.Heard, Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.S.Kamalesh Kannan, Government Advocate, appearing on behalf of the 1st respondent and Mr.Raja Srinivas, learned counsel appearing on behalf of the respondents 2 to 5.

5. Taking into consideration that the appeal has been filed on 12.04.2021 and as the petitioner's appeal has not been decided, it is appropriate to direct the first respondent to decide the main appeal itself, within a period of eight weeks from the date of receipt of a copy of this order after affording an opportunity to the necessary parties. Till the appeal is decided and the order of the same has been served on the petitioner, no coercive steps shall be taken against the petitioner.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government of TamilNadu,
Housing and Urban Development Department,
Fort St.George, Chennai - 9.

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

3.The Executive Engineer,
Greater Chennai Corporation,
Zone-VII, Division-81, Ambattur,
Chennai - 600 053.

4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Zone-VII, Division - 81, Ambattur,
Chennai - 600 053.

5.The Assistant Engineer,
Greater Chennai Corporation,
Zone-VII, Division - 81, Ambattur,
Chennai - 600 053.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.25927

GJ(CO)
KKV/02/06/2021

W.P.No.10630 of 2021

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