

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2021

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR. JUSTICE P.D.AUDIKESAVALU

W.P.No.11734 of 2021
&
W.M.P.No.12495 of 2021

S.Arivazhagan

... Petitioner

Vs.

1. The Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai - 9
2. The Greater Chennai Corporation
Rep. By its Commissioner
Rippon Building, Chennai - 3
3. The Assistant Engineer
The Greater Chennai Corporation
AE/DN-95, 2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai - 600 030
4. The Assistant Executive Engineer
The Greater Chennai Corporation
Unit 21, 2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai - 600 030
5. The Executive Engineer
The Greater Chennai Corporation
Zone - 08, 2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai - 600 050

... Respondents

Prayer : Petition under Article 226 of the Constitution of India to issue a writ of mandamus directing the 1st respondent to conduct enquiry on Petitioner's Appeal against the Locking & Sealing and Demolition Notice dated 12.04.2021 in Notice No.Zone.08/TPENF/C.No./0189/2021 issued by the Respondents 2 to 5 pertaining to the property situated at Door No.1/1 Kumarasamy Nagar Main Road, Chennai - 600 049 within the time frame fixed by this Court.

For Petitioner :: Mr. Arivazhagan
for Mr.S.Kumaralingam
For Respondents :: Ms.A.Srijeyanthi
Special Government Pleader for R1
Mr.K.Raja Shrinivas for R2 to R5

O R D E R

(Order of the Court was made by R.SURESH KUMAR,J.)

The petitioner seeks for a direction to the first respondent to conduct enquiry on Petitioner's Appeal against Locking & Sealing and Demolition Notice dated 12.04.2021 issued by Respondents 2 to 5 pertaining to the property situated at Door No.1/1 Kumarasamy Nagar Main Road, Chennai - 600 049.

2. In respect of the petitioner's premises, a locking and sealing and demolition notice was issued by respondent Greater Chennai Corporation on 12.04.2021. As against the lock and sealing notice, the petitioner preferred appeal to the first respondent / State Government on 30.04.2021. However, immediately he rushed to this Court by filing the present writ petition seeking mandamus to decide the said appeal at the earliest point of time. Reiterating the aforesaid, learned counsel for petitioner seeks indulgence of this Court to issue a direction to the first respondent.

3. Heard Ms.A.Srijeyanthi, learned Special Government Pleader appearing for the first respondent and Mr.K.Raja Shrinivas, learned Standing Counsel for Respondents 2 and 3.

4. Learned Special Government Pleader would submit that, since the appeal itself was filed only on 30.04.2021, within a short span of one week, the petitioner has approached this Court and seeks indulgence of this Court to issue a direction to the first respondent to decide his appeal at the earlier point of time.

5. Due to Corona virus second wave pandemic, it will take reasonable time to decide the appeal for the first respondent for which the Special Government Pleader seeks at least three months time to decide the appeal on merits.

6. The said submission of the learned Special Government Pleader appearing for the first respondent is accepted because of the prevailing Covid-19 situation. Moreover, the appeal itself is dated 30.04.2021 and in that case, it cannot be expected that the said appeal would be decided immediately.

7. However, taking into account of the aforesaid rival submissions of learned counsel appearing on both sides, we are inclined to dispose of this writ petition with the following direction:

There shall be a direction to the first respondent to

decide the appeal filed by the petitioner dated 30.04.2021 against the order of locking and sealing dated 12.04.2021 passed by the second respondent, on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order and communicate the order to the petitioner thereafter. Till the disposal of appeal, the locking and sealing notice issued by the second respondent dated 12.04.2021 shall be kept in abeyance.

With these directions, this writ petition is disposed of. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gpa/nl

To

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Housing and Urban Development Department
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+1cc to Mr.D.Kumaralingam, Advocate, S.R.No. 27141

+1cc to the Government Pleader, S.R.No. 27150

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BR(CO)

GN(13/07/2021)