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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM :

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

W.P.NO.14801 OF 2021

S.Santhi

... Petitioner

Vs.

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George, Secretariat
Chennai - 600 009.
2. The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai - 600 003.
3. The Executive Engineer
Zone-VII, Greater Chennai Corporation
M.T.H. Road, Ambattur
Chennai - 600 053.
4. The Assistant Engineer
Greater Chennai Corporation
Division - 83, Unit-18, Zone -VII
M.T.H. Road, Ambattur
Chennai - 600 053.

5. Mr.Rammohan

... Respondents

PRAYER :

Petition filed under Section Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing Respondent Nos. 3 and 4 from taking any coercive action of locking and sealing of the building Door No.16/13, North Railway Station, Vivekananda Street, Sivalingapuram, Korattur, Chennai - 600 053, pending disposal of the Revision dated 11.02.2021 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 pending on the file of the First Respondent.



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For Petitioner : Mr.S.Santhan

For Respondents : Mrs.R.Anitha (For R1)
Government Advocate
Mr.K.Raja Srinivas (For R2 to R4)

ORDER

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

This Writ Petition has been filed for a direction directing Respondent Nos. 3 and 4 from taking any coercive action of locking and sealing of the building bearing Door No.16/13, North Railway Station, Vivekananda Street, Sivalingapuram, Korattur, Chennai - 600 053 till the disposal of the Revision dated 11.02.2021 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act' for short) on the file of the First Respondent.

2. The case of the Petitioner is that she is the owner of the property bearing Door No. 16/13, North Railway Station, Vivekananda Street, Sivalingapuram, Korattur, Chennai - 600 053 measuring an extent of 600 square feet.

3. However, on 16.07.2020, the Respondents has issued a stop work notice calling for approved plan in respect of the subject property, based on the complaint given by the Private Respondent. Thereafter, a Lock and Seal notice dated 17.08.2020 has also been issued by the Respondents. Against the said Lock and Seal notice dated 17.08.2020, the Petitioner has preferred a Revision dated 11.02.2021 under Section 80-A of the Act before the First Respondent.

4. When things stand so, the Third Respondent issued a De-occupation notice dated 02.03.2021 to the Petitioner requesting to discontinue the occupation of the subject property within a period of 7 days from the date of receipt of that notice, failing which action would be taken under Section 56 of the Act. Therefore, the Petitioner has come before this Court for a direction directing Respondent Nos. 3 and 4 not to take coercive steps till the disposal of the Revision filed under Section 80-A of the Act.

5. Heard Mr. S.Santhan, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned State Government Counsel, who takes notice on behalf of the First Respondent and Mr. K.Raja Srinivas, Learned Counsel, who takes notice on behalf of the Second to Fourth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.



6. Notice to the Private Respondent is dispensed with, as this Court only intends to direct the First Respondent to dispose of the Petitioner's Revision dated 11.02.2021 filed against the lock and seal notice dated 17.08.2020 under Section 80-A of the Act.

7. Considering the facts that the De-occupation notice has been issued on 02.03.2020, after filing of the Revision dated 11.02.2021 under Section 80-A of the Act against the said Lock and Seal notice dated 17.08.2020, this Court directs the First Respondent to dispose of the Appeal dated 11.02.2021 on or before 31.08.2021, after giving due notice to the Petitioner as well as the Private Respondent, as the stop work notice has been issued at the instance of the Private Respondent. Till then, the Respondents are prohibited from taking any coercive action against the Petitioner. It is made clear that the proceedings shall continue, depending upon the outcome of the Appeal.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George, Secretariat
Chennai - 600 009.
2. The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai - 600 003.
3. The Executive Engineer
Zone-VII, Greater Chennai Corporation
M.T.H. Road, Ambattur
Chennai - 600 053.



4. The Assistant Engineer
Greater Chennai Corporation
Division - 83, Unit-18, Zone -VII
M.T.H. Road, Ambattur
Chennai - 600 053.

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+1cc to Mr.K.Rajashrinivas, Advocate, S.R.No.33869

W.P.No.14801 of 2021

PCH (CO)
CS/13/08/2021