



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.15293 of 2021
and
W.M.P.No.16177 of 2021

N.Suresh

... Petitioner

Vs

1.Government of Tamil Nadu,
Rep. By Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

2.The Member-Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.

3.The Commissioner,
Poonamallee Panchayat Union,
Poonamallee, Chennai 600 056.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Certiorarified Mandamus against the Third Respondent by calling for the records relating to impugned locking & sealing and demolition notice dated 22.06.2021 in Notice No.592/2020/A3 in respect of the Flat No.G-1 in "Padamalaya Apartments" bearing Plot No.VII, Door No.7, Thiruvallur Street, Sindhu Nagar, Senneerkuppam, Chennai 600 056 and quash the same and consequently direct the first respondent to dispose of the statutory appeal dated 30.04.2021 filed by the petitioner under Section 76 read with 80 of the Town and Country Planning Act, 1971 dated 30.04.2021, within a time fixed by this Court and forbear the third Respondent or anybody on their behalf from initiating any coercive action of locking & sealing and demolition with regard to the constructions put up in the aforementioned property pending final determination of the statutory appeal dated 30.04.2021 by the first respondent.



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For Petitioner : Mr.P.Kumaresan.

For Respondents: Mr.P.Balathandayutham, State
Government Counsel for R1.

Mr.Karthick Rajan, Standing Counsel for R2.
Mr.Hasan Fizal, Standing Counsel for R3.

O R D E R

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

The matter has been heard through "Video Conference".

2.The Petitioner has come before this Court challenging the locking & sealing and demolition notice dated 22.06.2021 issued in respect of Flat No.G-1 in "Padamalaya Apartments".

3.The Petitioner is the owner of the property bearing Plot No.VII, Door No.7, Thiruvallur Street, Sindhu Nagar, Seneerkuppam, Chennai 600 056, measuring a plinth area of 720 sq.ft., in the ground floor, together with 250 sq.ft., undivided share of land in the total extent of 2982 sq.ft., comprised in Old Survey No.37/1A2 and 38/5B2, New Survey Nos.37/28 and 38/29 in Senneerkuppam Village, Senneerkuppam Panchayat, Poonamallee Panchayat Union, Poonamallee Taluk, Thiruvallur District and the approved lay out has been sanctioned by the Second Respondent viz., PPD/LO No.65/99. The Petitioner purchased the said property from one Mr.Satheesh Kumar under Registered sale deed 04.12.2019.

4.When the Petitioner is in possession of the property, notice was issued by the Third Respondent stating that Petitioner's flat has been constructed after the period of planning permission for construction from 19.03.2013 to 18.03.2016 which is in violation of the planning approval. Therefore, the Petitioner preferred an Appeal before the First Respondent on 30.04.2021 under Section 76 read with 80 of the Tamil Nadu Town and Country Planning Act. The said Appeal is pending before the First Respondent. In the meanwhile, the Third Respondent has issued impugned notice dated 22.06.2021 for locking and sealing and demolition. Hence, the Petitioner has come before this Court.

5.Heard Mr.P.Kumaresan, Learned Counsel for the Petitioner, Mr.P.Balathandayutham, Learned State Government Counsel for the First Respondent, Mr.Karthick Rajan, Learned Standing Counsel for the Second Respondent and Mr.Hasan Fizal, Learned Standing Counsel for the Third Respondent.



6. Taking into consideration of the fact that the Appeal dated 30.04.2021 filed by the Petitioner is pending before the First Respondent, this Court directs the First Respondent to dispose of the said Appeal as per law after giving opportunity to the Petitioner within a period of twelve weeks from the date of receipt of a copy of this order. Till the Appeal is disposed and the copy of the order is served upon the Petitioner, no coercive steps shall be taken by the Respondents against the Petitioner.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

2. The Member-Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.

3. The Commissioner,
Poonamallee Panchayat Union,
Poonamallee, Chennai 600 056.

+1cc to the Government Pleader, S.R.No.35971

W.P.No.15293 of 2021
and
W.M.P.No.16177 of 2021

AJS (CO)
SB(18/08/2021)