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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM :

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

W.P. No. 16396 of 2021

and

W.M.P. Nos. 17368 and 17369 of 2021

M.Vijayakumari

...Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai - 600 009.
2. The Commissioner
Corporation of Chennai
Ripon Building
Chennai - 600 003.
3. The Executive Engineer
Enforcement-Region Central
Corporation of Chennai
Second Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai - 600 030.
4. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
1, Gandhi Irvin Road
Egmore, Chennai - 600 008.

...Respondents

PRAYER : Petition filed under Section Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the Respondents to remove the lock and seal forthwith in respect of the Petitioner's premises at Door No. 995A, Second Avenue, Anna Nagar, Chennai - 600 040 so as to enable her tenants to run the shops for the survival pending consideration of her special revision petition dated 20.07.2021 filed before the First Respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act.



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For Petitioner : Mr. V.Srikanth
For Respondents : Mrs. R.Anitha (For R1)
State Government Counsel
Mr. P.S.Ganesh (For R4)
Mr. K.Raja Srinivas (For R2 & R3)

ORDER

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

The matter was heard through ''Video Conference''.

2. The Petitioner purchased a portion of the property bearing Door No.995A, Second Avenue, Anna Nagar, Chennai - 600 040 measuring an extent of 1625 square feet built up area along with 1290 square feet of land, in which 800 square feet of building constructed thereon.

3. According to the Petitioner, the subject property was constructed 20 years ago. However, the Third Respondent now issued a notice dated 18.02.2021 to the tenants calling for approved plan in respect of the subject property. Subsequently, locking in respect of the subject property was effected on 05.07.2021. Therefore, the Petitioner gave a representation. Consequently, the Petitioner has submitted an application dated 16.07.2021 for regularization plan approval before the Fourth Respondent and she has also filed a Revision Petition dated 20.07.2021 under Section 80-A of the Tamil Nadu Town and Country Planning Act before the First Respondent. After filing of the said Revision Petition and also Application for revised plan, the Petitioner has approached this Court to remove the lock and seal effected by the Respondents.

4. Heard Mr. V.Srikanth, Learned Counsel for the Petitioner, Mrs. R.Anitha, Learned State Government Counsel appearing for the First Respondent, Mr. K.Raja Srinivas, Learned Counsel appearing for the Second and Third Respondents and Mr. P.S.Ganesh, Learned Counsel appearing for the Fourth Respondent, and perused the materials placed on record.

5. It is evident from the records available that the subject property, in which three shops are owned by the Petitioner have already been sealed by the Respondents. The Petitioner has already filed a Revision Petition before the First Respondent and an application for regularization has also been filed before the Fourth Respondent, which are pending. In view of the facts that the three shops owned by the Petitioner have already been sealed by the Respondents, the rights of the tenants as well as the Petitioner are affected.



6. Taking into consideration that the Revision Petition and Application for regularization are pending for consideration before the Respondents, this Court directs the Third Respondent to remove the lock and seal in respect of the subject property, till the disposal of the Revision Petition as well as the Application filed for regularization. Depending upon the outcome of the above Revision Petition as well as the Application filed for regularization, the Respondents are directed to take a decision with regard to the sealing of the subject property. However, the Respondents are directed to dispose of the Revision Petition within a period of six months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Maya
To

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Road, Egmore
Chennai - 600 008.
3. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai-600 003.

+1 CC to The Government Pleader, Sr 39110.
+1 CC to Mr.K.Raja Shrinivas, Advocate, Sr 38917.
+1 CC to Mr.V.Srikanth, Advocate, Sr 39235.

W.P. No. 16396 of 2021

PA(CO)
LS(26/08/2021)