

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM :

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

W.P.No.16779 of 2021

D.Rajalingam ... Petitioner

Vs

1.Executive Engineer,
Zone-7, Greater Chennai Corporation,
Thiruvallur High Road,
Ambattur, Chennai – 600 053.

2.Zonal Officer,
(Establishment works, conservancy & Town Planning),
Zone-7, Greater Chennai Corporation,
Thiruvallur High Road,
Ambattur, Chennai – 600 053.

3.The Government of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai.

(R3, *suo motu*, impleaded vide order dated
12.08.2021 made in W.P.No.16779 of 2021)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the Respondents under Article 226 of the Constitution of India in its Writ jurisdiction to consider the representation of the Petitioner dated 13.07.2021.

For Petitioner : Mr.V.Balasubramani.

For Respondents : Mr.K.Raja Shrinivas, Standing Counsel for R1 & R2.

Mr.P.Balathandayutham,
Government Advocate for R3.

ORDER

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

The matter has been heard through "Video Conference".

सत्यमेव जयते

2.The Petitioner contends that he is the owner of the property bearing New Door No.13/52, Old Door No.13, Block No.66, Plot No.22, T.S.No.83, Bharathi Nagar, Thirumullaivoyal Street, Bharathi Nagar, Korattur, Chennai – 600 080. Since the property was a old building, the Petitioner obtained planning permit and building permit to demolish the same and reconstruct a building and the Petitioner completed the

construction work in the month of April 2021. However, at the instance of some third parties, locking and sealing notice dated 03.07.2021 has been issued by the Respondents and in this regard, the Petitioner gave reply on 13.07.2021 requesting three months time for getting appropriate approval for the new construction. Since the same has not been considered, the Petitioner has come before this Court.

3.Heard Mr.V.Balasubramani, Learned Counsel for the Petitioner, Mr.K.Raja Shrinivas, Learned Standing Counsel for the Respondents 1 and 2.

4.It is seen from the records that the authorities inspected the property and issued locking and sealing notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act alleging that there is unauthorized construction in the stilt, first floor and second floor. The Learned Counsel for the Petitioner submitted that he intends to file an Application for revised plan under Section 49 of the Tamil Nadu Town and Country Planning Act before the First Respondent and an Appeal under Section 80A of the Tamil Nadu Town and Country

Planning Act before the Secretary to Government, Housing and Urban Development Department.

5.Since the Petitioner intends to prefer an Appeal against the impugned notice before the Secretary to Government, Housing and Urban Development Department, this Court, *suo motu*, impleads, “*The Government of Tamil Nadu, Represented by its Secretary, Housing and Urban Development Department, Secretariat, Fort St.George, Chennai*”, as Third Respondent to the proceedings and Mr.P.Balathandayutham, Learned Government Advocate takes notice on behalf of the newly impleaded Respondent.

6.In view of the above, this Court directs the Petitioner to file necessary application before the First Respondent and an Appeal before the Third Respondent within a period of six weeks from the date of receipt of a copy of this order. On such receipt of such Application and Appeal, the First Respondent and Third Respondent are directed to dispose of the same on merits at the earliest. Till such Application and Appeal are filed and order is passed, no coercive steps shall be taken against the Petitioner by the Respondents.

7.With the above directions, this Writ Petition is disposed of.

No costs.

(N.K.K.,J.)

(T.V.T.S.,J.)

12.08.2021

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Index:Yes/No

Internet:Yes/No

Note: Registry is directed to carry out necessary amendments in the cause title.

To

1.Executive Engineer,
Zone-7, Greater Chennai Corporation,
Thiruvallur High Road,
Ambattur, Chennai – 600 053.

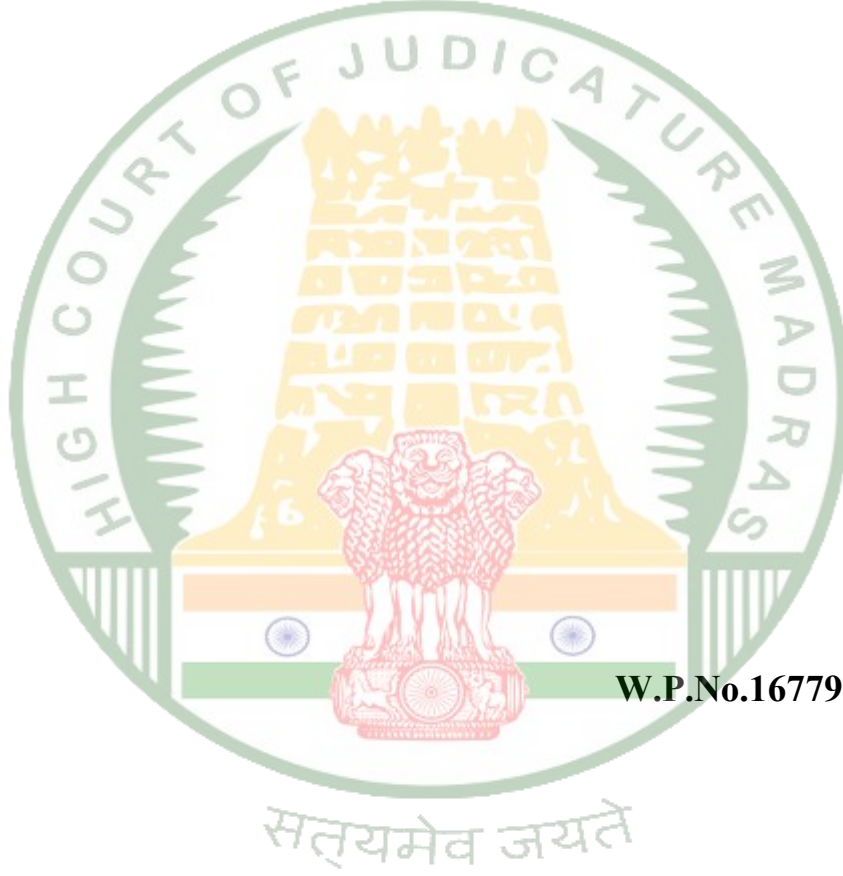
2.Zonal Officer,
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3.The Government of Tamil Nadu,
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W.P.No.16779 of 2021

**N.KIRUBAKARAN, J.
and
T.V.THAMILSELVI, J.**

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Dated: 12.08.2021