



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM :

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

W.P. No. 17117 of 2021
and
W.M.P. No. 18143 of 2021

Sanjay K.Jain

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 9.
2. The Greater Chennai Corporation
Rep. by its Commissioner
Rippon Buildings, Chennai - 600 003.
3. The Executive Engineer
Greater Chennai Corporation, Zone V
No.61, Basin Bridge Road
Chennai - 600 021.
4. The Assistant Executive Engineer
Greater Chennai Corporation
Zone-V, Unit -13, Division -57
Royapuram, Chennai - 600 013.

... Respondents

PRAYER : Petition filed under Section Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the Respondents 2 to 4 from in any way interfering with the Petitioner's building put up at New No.189, Old No.90, Govindappa Naicken Street, Chennai - 600 079, more particularly, by way of locking and sealing and demolition of the same, pending final determination of petitioner's Appeal Petition and stay Petition dated 04.01.2021 filed under Sections 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the First Respondent.



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For Petitioner : Mr. L.Chandrakumar

For Respondents: Mr. K.Raja Srinivas For R2 to R4
Mrs. R.Anitha For R1
State Government Counsel

ORDER

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

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

2. According to the Petitioner, he is the owner of the property bearing Old Door No. 189 New Door No. 90, Govindappa Naicken Street, Chennai - 600 079. After obtaining planning permission and building permit from the Official Respondents, buildings had been constructed in the subject property. However, due to minor deviation thereon, a show cause notice had been issued and thereafter, a lock and seal notice dated 17.09.2020 has also been issued by the Official Respondents. Against the said Lock and Seal notice, the Petitioner has already preferred an Appeal before the First Respondent and the same is pending. Apprehending that the Official Respondents may interfere with the Petitioner's possession, this Writ Petition has been filed.

3. Heard Mr. L.Chandrakumar, Learned Counsel for the Petitioner, Mrs. R.Anitha, Learned State Government Counsel appearing for the First Respondent and Mr. K.Raja Srinivas, Learned Standing Counsel appearing for the Second to Fourth Respondents, and perused the materials placed on record.

4. Taking into consideration that the Petitioner has already moved the First Respondent by way of an Appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act' for short) against the lock and seal notice issued by the Official Respondents / Corporation, the First Respondent is directed to dispose of the Appeal filed under Section 80-A of the Act, after giving due notice to parties concerned and affording an opportunity of hearing to them, within a period of six months. Till such time, no coercive steps shall be taken against the Petitioner by the Official Respondents.

5. It is submitted by Mrs. R.Anitha, Learned State Government Counsel appearing for the First Respondent that without any approval, the Petitioner had constructed two additional floors in the subject property. However, Mr. L.Chandrakumar, Learned Counsel for the Petitioner states that Second floor alone has been constructed without any approved plan.



6. In view of that, Lock and Seal notice issued would be effective from the Second Floor onwards and the Petitioner cannot make use of the Second Floor and additional floors, if any, constructed thereon.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Maya
To

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 9.
2. The Commissioner,
Greater Chennai Corporation
Rippon Buildings, Chennai - 600 003.
3. The Executive Engineer
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No.61, Basin Bridge Road
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4. The Assistant Executive Engineer
Greater Chennai Corporation
Zone-V, Unit -13, Division -57
Royapuram, Chennai - 600 013.

+lcc to Mr.L.Chandrakumar, Advocate Sr.40599
+lcc to Mr.K.Raja Srinivas, Advocate Sr.41141

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srg 01/09/2021