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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.20608 of 2021

G.Sangeetha

...Petitioner

Vs.

1. The Principal Secretary,
Government of Tamil Nadu,
Housing and Municipal Administration Department,
Fort St. George,
Chennai - 600 009.
2. The Greater Chennai Corporation,
Zonal Officer, Zone -1,
Thriuvottiyur,
Chennai - 600019.
3. The Greater Chennai Corporation,
Rep. by its Executive Engineer,
Zone -1, Thiruvottiyur,
Chennai - 600 019.
4. The Assistant Executive Engineer,
Unit-2 (Zone-1),
Greater Chennai Corporation,
Thiruvottiyur, Chennai - 600 019.
5. The Assistant Engineer,
Division-006,
Unit-2 (Zone-1),
Thiruvottiyur,
Chennai - 600 019.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to consider and dispose the appeal filed before the first respondent dated 22.02.2021 within the time stipulated by this Court and consequently direct the respondents to remove the lock and seal to enable the



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petitioner to residential building at No.3, Saraswathi Nagar, 7th street, Thiruvottiyur, Chennai - 600 019 to complete the construction.

For petitioner : Mr.P.Praveenkumar

For respondents : Mrs.Akila Rajendran
Govt Counsel (for R1)

Mr.K.Raja Shrinivas
Standing Counsel (for R2 to R5)

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J)

Mrs.Akila Rajendran, learned Government Counsel takes notice for the first respondent and Mr.K.Raja Shrinivas, learned Standing Counsel takes notice for the respondents 2 to 5. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus to direct the first respondent to consider and dispose the appeal filed by him before the first respondent dated 22.02.2021 within the time frame and to direct the respondents to remove the lock and seal to enable the petitioner to residential building at No.3, Saraswathi Nagar, 7th street, Thiruvottiyur, Chennai - 600 019 to complete the construction.

3.The petitioner would state that he purchased a land measuring to an extent of 2895.5 sq.ft in S.No.589 at Saraswathi Nagar, Thiruvottiyur vide document No.8377/19. He applied with the second respondent for planning permission and paid necessary fees along with building plan for approval of demolition of the old structure and also for construction of new building. In the meantime, he started construction of the house as per the norms.

4.The petitioner would further state that while construction was in progress, the second respondent issued lock and seal notice. Aggrieved over the same, he preferred an appeal before the first respondent on 22.02.2021. Thereafter, the building was sealed.

5.The learned counsel for the petitioner would state that it would suffice, if a suitable direction is issued to the first respondent to pass orders on the appeal of the petitioner.



6. The learned Government Counsel, on instructions, would submit that the appeal preferred by the petitioner is pending with the first respondent and he is ready to pass orders in accordance with law.

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7. In the light of the above submissions of the learned counsels, this Court without going into the merits of the matter, directs the first respondent to pass orders on the appeal of the petitioner in accordance with law, after providing sufficient opportunity to all the necessary parties. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skn

To

1. The Principal Secretary,
Government of Tamil Nadu,
Housing and Municipal Administration Department,
Fort St. George,
Chennai - 600 009.
2. The Greater Chennai Corporation,
Zonal Officer, Zone -1,
Thriuvottiyur,
Chennai - 600019.
3. The Executive Engineer,
Greater Chennai Corporation,
Zone -1, Thiruvottiyur,
Chennai - 600 019.
4. The Assistant Executive Engineer,
Unit-2 (Zone-1),
Greater Chennai Corporation,
Thiruvottiyur,
Chennai - 600 019.



5. The Assistant Engineer,
Division-006,
Unit-2 (Zone-1),
Thiruvottiyur,
Chennai - 600 019.

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+1cc to Mr.Durai Gunasekaran, Advocate, S.R.No.50054
+1cc to the Government Pleader, S.R.No.50129

W.P.No.20608 of 2021

SJ[co]
NSK 11/10/2021