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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.11.2021

CORAM:

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

W.P. No.21996 of 2021
and
WMP.No.23215 of 2021

1. B.Parmodkumar Jain

2. Sunita Jain

.. Petitioners

Versus

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
"Thalamuthu-Natarajan Building",
No.1, Gandhi-Irwin Road, Egmore,
Chennai 600 008.
3. The Commissioner,
Greater Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
4. The Zonal Officer,
Zone-I,
Greater Chennai Corporation,
No.947, Thiruvotriyur High Road,
Chennai 600 019.
5. The Executive Engineer,
Zone-I, Unit-02,
Greater Chennai Corporation,
No.947, Thirutotriyur High Road,
Chennai 600 019.



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6. The Assistant Executive Engineer,
Zone-I, Unit-02,
Greater Chennai Corporation,
No.947, Thiruvotriyur High Road,
Chennai 600 019.

7. The Assistant Engineer,
Greater Chennai Corporation,
Division - 006,
No.947, Thiruvotriyur High Road,
Chennai 600 019.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records from the respondents and quash the impugned lock & seal notice dated 13.03.2020 in No.01/00826/2020 and consequent de-occupation notice dated 01.07.2021 in No.01/00104/2021 of the respondents 3 to 7 herein, which was affixed on 22.09.2021, which is per se illegal, arbitrary, sham, nominal, unjust, perverse, untenable, biased and unsustainable in law and consequentially remove the lock and seal from the petitioners' property bearing Door No.12, Dr.Kalaignar Nagar, Manali Express Road, Thiruvotriyur, Chennai 600 019.

For petitioner : Mr.S.L.Sudarsanam

For respondents

for R1 : Mr.L.S.M.Hasan Fizal

for R2 : M/s.C.Sumathy Sreekanth

for R3 to R7 : Mr.K.Raja Shrinivas

ORDER

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

The Writ Petition is heard through video conferencing.

2. Heard Mr.S.L.Sudarsanam, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, learned Government Advocate appearing for the first respondent and Mr.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 3 to 7.



3. This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the orders of the respondents, viz., lock & seal notice dated 13.03.2020 and de-occupation notice dated 01.07.2021.

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4. The learned counsel for the petitioners would state that during the Covid-19 Pandemic situation, the respondents had issued the impugned notices, which were not served on the petitioners. Hence, the special revision could not be filed under Section 80-A of the Tamil Nadu Town and Country Planning Act. It is further submitted that the impugned orders are illegal and perverse. Hence, the present Writ Petition is filed.

5. The learned Senior Standing Counsel appearing for the respondents 3 to 7 would state that the petitioners are having a statutory remedy before the Government, hence, this Writ Petition cannot be entertained.

6. In the light of the submissions made by the learned counsels, we hereby direct the petitioners to prefer a special revision before the first respondent against the lock and seal notice, dated 13.03.2020 within a period of three weeks from the date of receipt of a copy of this order. If a revision petition is field within the time stipulated, the first respondent shall entertain and dispose of the same on merits and in accordance with law.

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

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

pvs

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,
"Thalamuthu-Natarajan Building",
No.1, Gandhi-Irwin Road, Egmore,
Chennai 600 008.

3. The Commissioner,
Greater Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.

4. The Zonal Officer,
Zone-I,
Greater Chennai Corporation,
No.947, Thiruvotriyur High Road,
Chennai 600 019.

5. The Executive Engineer,
Zone-I, Unit-02,
Greater Chennai Corporation,
No.947, Thirutotriyur High Road,
Chennai 600 019.

6. The Assistant Executive Engineer,
Zone-I, Unit-02,
Greater Chennai Corporation,
No.947, Thiruvotriyur High Road,
Chennai 600 019.

7. The Assistant Engineer,
Greater Chennai Corporation,
Division - 006,
No.947, Thiruvotriyur High Road,
Chennai 600 019.

+1cc to Mr.S.L.Sudarsanam, Advocate SR.No.58081 [27/04/2022]

+1cc to the Government Pleader, S.R.No.58162

W.P. No.21996 of 2021

RSV(CO)
SU(26/11/2021)