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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.11.2021

CORAM:

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

W.P. No.22580 of 2021 &
W.M.P.Nos.23807, 23808 & 23810 of 2021

M.Murali

.. Petitioner

Versus

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 2.The Executive Engineer,
Zone-IV, Greater Chennai Corporation,
Puzhuthivakkam,
Chennai - 600 091.
- 3.The Assistant Engineer,
Greater Chennai Corporation,
Division-88, Unit-42, Zone-14,
Puzhuthivakkam, Chennai- 600 091.
- 4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Division-88, Unit-42, Zone-14,
Puzhuthivakkam, Chennai - 600 091.
5. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

.. Respondents

(R-5 impleaded vide order dated
18.11.2021 in W.M.P.No.24923 of 2021)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records in impugned order passed by the respondents 2 to 4 in Letter No.14/00151/2021, the Lock and Seal Notice dated 29.07.2021 in respect of property situated at No.1230, RAM Nagar, 16th Main Road, Madipakkam, Chennai - 600 091 along with De-occupation Notice, Letter No.14/00096/2021, dated 17.09.2021 and to quash the Lock and Seal Notice dated 29.07.2021 along with the mentioned De-occupation Notice dated 17.09.2021 on the ground that it was sent by the respondents on the insistence of third party complaint.

For petitioner : Mr.N.Suriyamuthu

For respondents : Mr.K.Raja Shrinivas
Senior Standing Counsel for R1 to R4

Mr.L.S.M.Hasan Fizal
Additional Government Pleader for R5

ORDER

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

The petitioner has come forward with this Writ Petition for issuance of Writ of Certiorarified Mandamus to quash the lock and seal notice dated 29.07.2021 issued by the respondents 2 to 4 in letter No.14/00151/2021 and the de-occupation notice dated 17.09.2021 in respect of the property situated at No.1230, Ram Nagar, 16th Main Road, Madipakkam, Chennai - 600 091.

2. The petitioner claims to be owner of the property referred above and he constructed the building as per the approval, however, based on the complaint of one Mr.Pal Pandey, the respondents have issued the impugned notice.

3. The learned counsel appearing for the petitioner Mr.N.Suriyamuthu would state that aggrieved over the lock and seal notice issued by the respondent dated 29.07.2021, the petitioner has preferred an Appeal before the Principal Secretary to Government (Housing and Urban Development) Department / fifth respondent herein, and when the appeal is pending, the respondents are interfering with the enjoyment of the petitioner. He further added that it would suffice if a suitable direction is issued to the fifth respondent to dispose of the Appeal within a time frame. He also prayed for an interim order to protect the interest of the petitioner.



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4. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the fifth respondent would state that the fifth respondent is ready to pass orders on the appeal preferred by the petitioner in accordance with law.

5. We have heard Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 1 to 4.

6. Though the petitioner has prayed for larger relief, however considering the facts and the submissions of the learned counsels, we hereby direct the fifth respondent to dispose of the appeal preferred by the petitioner dated 28.09.2021 on merits and in accordance with law, after affording an opportunity to all necessary parties. Till then, the respondents are directed to maintain status quo.

7. With the above directions, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 2.The Executive Engineer,
Zone-IV, Greater Chennai Corporation,
Puzhuthivakkam,
Chennai - 600 091.
- 3.The Assistant Engineer,
Greater Chennai Corporation,
Division-88, Unit-42, Zone-14,
Puzhuthivakkam, Chennai- 600 091.



4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Division-88, Unit-42, Zone-14,
Puzhuthivakkam, Chennai - 600 091.

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5. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.N.Suriyamuthu, Advocate SR.No.59367

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PA (CO)
CB(21/12/2021)