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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.12.2021

CORAM

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

W.P.No.22357 of 2021
and
W.M.P.Nos.23600 & 23617 of 2021

A.Sahabudeen

...Petitioner

-vs-

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 009.
2. The Assistant Engineer
DIV Zone 5
056 Greater Chennai Corporation
Chennai.
3. The Assistant Executive Engineer
Zone 5, Unit 13
Greater Chennai Corporation
Chennai.
4. The Executie Engineer
Zone 5
Greater Chennai Corporation
Chennai.
5. Additional Secretary
Housing and Urban
Development Department
Secretariat, Chennai - 9.
6. Nazeer Ahamed

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records of the respondents 1 to 3 in their letter No.05/04325/2021 dated 23.09.2021 in issuing de-occupation notice to the petitioner and quash the same and consequently forbearing the respondents from in any manner



interfering in the peaceful possession and enjoyment of the petitioners property at Door No.18/60, Malayappan Street, Muthaiyalpet, Chennai - 600 001.

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For petitioner : Mrs.P.Bagyalakshmi

For respondents: Mr.K.Raja Srinivas
Senior Standing Counsel
for RR1 to 4
Mr.K.V.Sajeew Kumar
Special Government Pleader for R5

ORDER

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

The notice issued by the respondents 2 to 4 under Section 56 Sub Section 2 (A) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, dated 23.09.2021, is under challenge in this writ petition.

2.Heard, Mrs.P.Bagyalakshmi, learned counsel for the petitioner; Mr.K.Raja Srinivas, learned Senior Standing Counsel appearing for the respondents 1 to 4; Mr.K.V.Sajeew Kumar, learned Special Government Pleader appearing for the 5th respondent.

3.The learned counsel for the petitioner would argue that the impugned notice has been issued on the basis of the lock and seal notice dated 14.10.2016. According to the learned counsel, deviation mentioned in the lock and seal notice is only minor and the deviations have been rectified. It is also submitted that the petitioner was not issued with lock and seal notice and the earlier notice was issued to the vendor of the petitioner.

4.The learned Senior Standing Counsel appearing for the respondents 1 to 4 would submit that the lock and seal notice issued to the petitioner's vendor dated 14.10.2016 was challenged before the Government and due to which there was a delay in issuing the notice impugned in this writ petition.

5.In the instant case, it is an admitted fact that the building is being used by the petitioner for residential purpose and in the counter filed by the respondents 1 to 4 they have pointed out minor deviations. Therefore, we hereby direct the petitioner to file a special revision under Section 80A of the Tamil Nadu Town and Country Planning Act, before the Government, within a period of four weeks from the date of receipt of a copy of this order and on such compliance, the Government shall dispose of the same, on merits and in accordance with law. Till



such time, the respondents shall not take any coercive action.

6. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jer

To

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+1cc to M/s.K.Rajasrinivas, Advocate, S.R.No.64238

+1cc to the Government Pleader, S.R.No.64791

W.P.No.22357 of 2021
and

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KSM(CO)
RGA(11/01/2022)