

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.23072 OF 2021

AND

W.M.P.NOS.24277, 24279 AND 24283 OF 2021

1.Ashok Kumar

2.Shankar Raj

...Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.

3. The Executive Engineer (Zone-1),
Corporation of Chennai,
Chennai.

4. The Assistant Executive Engineer (Unit 03),
Corporation of Chennai,
Chennai.

5. The Assistant Engineer (DIV 012)
Corporation of Chennai,
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records of impugned lock and seal and demolition notice in letter No.01/02098/2021 dated 18.08.2021 issued by the 3rd to 5th respondents and quash the same.

For petitioner : Mr.C.Nandhakumar

For respondents : Mr.T.N.C.Kaushik
Govt. Counsel (for R1)

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

O R D E R

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

Heard Mr.C.Nandakumar, learned counsel for the petitioners, Mr.T.N.C.Kaushik, learned Government Counsel appearing for the first respondent and Mr.K.Raja Shirinivas, learned Senior Standing Counsel appearing for the respondents 2 to 5.

2.This writ petition has been filed to quash the lock and seal and demolition notice in letter No.01/02098/2021 dated 18.08.2021 issued by the respondents 3 to 5.

3.The learned Senior Standing Counsel appearing for the respondents 2 to 5 would state that as against the order impugned in this writ petition, the petitioners are having a statutory remedy to file a revision before the first respondent under Section 80(A) of the Town and Country Planning Act.

4.The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this writ petition with liberty to file revision before the first respondent.

5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioners are having an alternative remedy of filing a revision before the first

respondent as against the order impugned in this writ petition, this writ petition is disposed of directing the petitioners to file a revision before the first respondent within a period of two weeks from the date of receipt of a copy of this order. If the revision is filed in time, the first respondent shall take up the revision on file and dispose of the same on merits and in accordance with law. In the meantime, the respondents are hereby directed to maintain status quo as on date.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

skn

To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.
3. The Executive Engineer (Zone-1),
Corporation of Chennai, Chennai.
4. The Assistant Executive Engineer (Unit 03),
Corporation of Chennai, Chennai.
5. The Assistant Engineer (DIV 012)
Corporation of Chennai, Chennai.

+1cc to Mr.J.Ramesh, Advocate, S.R.No.55632

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.55472

+1cc to the Government Pleader, S.R.No.55413

W.P.No.23072 of 2021
and

W.M.P.Nos.24277, 24279 and 24283 of 2021

NK(CO)

RLP(24/11/2021)