



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.P. No.24224 of 2021

E.Padmini

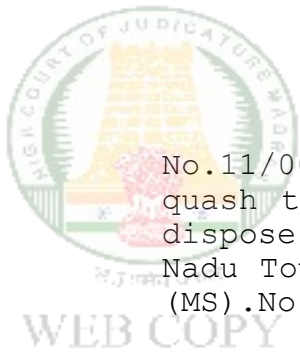
..Petitioner

Versus

1. The Principal Secretary to Government,
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. Chennai Metropolitan Development Authority (CMDA),
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai 600 003.
4. The Executive Engineer (Zone XI),
Zonal Office XI,
Greater Chennai Corporation,
No.33, Arcot Road,
Valasaravakkam, Chennai 600 087.
5. The Assistant Executive Engineer (unit 33),
Zonal Office XI,
Greater Chennai Corporation,
No.33, Arcot Road,
Valasaravakkam, Chennai 600 087.
6. The Assistant Engineer (DIV 145),
Karuneegar Street,
Greater Chennai Corporation,
Chennai 600 107.

..Respondents

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 pertaining to notice



No.11/00030/2021, dated 13.09.2021 issued by respondents 4 to 6, quash the same and direct the second respondent to consider and dispose the Exemption Application under Sec.113C/A of the Tamil Nadu Town and Country Planning Act 1971 in the light of the G.O. (MS).No.234 & 235, dated 30.10.2012.

For petitioner : Mr.L.Muthusamy

For respondents

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

for R2 : Mrs.C.Sumathy Sreekanth

for RR3 to 6 : 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. The prayer in the Writ Petition is to issue a Writ of Certiorarified Mandamus to call for the records relating to letter No.11/00030/2021, dated 13.09.2021 issued by respondents 4 to 6 and quash the same and direct the second respondent to dispose of the Exemption Application filed under Sec.113-C/A of the Tamil Nadu Town and Country Planning Act 1971.

3. The case of the petitioner is that she is the owner of the property measuring an extent of 2400 sq.ft. in Survey No.192/2, vide sale deed dated 11.09.1984 registered as Document No.2337/1984 in Sub Registrar Office, Saidapet. A residential building was constructed in the year 1984-85 and the petitioner is paying property tax regularly in Nerkundram Village Panchayat.

4. The learned counsel appearing for the petitioner Mr.L.Muthusamy, would state that on 21.01.2021, the Greater Chennai Corporation issued a notice, calling for approved plan from the petitioner and thereafter, issued a lock and seal notice dated 13.09.2021. Aggrieved over the same, the petitioner has preferred a special revision/statutory appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act before the first respondent. It is also stated that the petitioner has filed an exemption application under Section 113-C/A of the Act on 17.02.2021.

5. When the special revision is pending before the first respondent and exemption application before the CMDA, the respondents are attempting to lock and seal the premises. Hence, the learned counsel for the petitioner would state that it would suffice if a direction is issued to the first respondent to dispose of the special revision/statutory appeal preferred by



the petitioner on 06.10.2021.

6. Mr.Hasan Fizal, learned Additional Government Pleader appearing for the respondents would state that the first respondent is ready to dispose of the special revision preferred by the petitioner in accordance with law.

7.Heard Mr.L.Muthusamy, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the first respondent, Mrs.C.Sumathy Sreekanth, learned Standing Counsel appearing for the second respondent, and Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 3 to 6.

8. Though the petitioner has prayed for a larger relief, considering the submissions of the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to pass orders on the special revision/statutory appeal preferred by the petitioner, within a period of six months, after affording an opportunity of personal hearing to the petitioner. Till then, the respondents are directed to maintain status quo, as on date.

9. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Principal Secretary to Government,
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. Chennai Metropolitan Development Authority (CMDA),
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai 600 003.



WEB COPY

4. The Executive Engineer (Zone XI),
Zonal Office XI,
Greater Chennai Corporation,
No.33, Arcot Road,
Valasaravakkam, Chennai 600 087.
5. The Assistant Executive Engineer (unit 33),
Zonal Office XI,
Greater Chennai Corporation,
No.33, Arcot Road,
Valasaravakkam, Chennai 600 087.
6. The Assistant Engineer (DIV 145),
Karuneegar Street,
Greater Chennai Corporation,
Chennai 600 107.

W.P. No.24224 of 2021

KG(CO)
RGA(01/12/2021)