



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.12.2021

WEB COPY

CORAM:

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

W.P. No.25935 of 2021
and WMP.No.27407 of 2021

Sushil Kumar Chouraria

... Petitioner

Versus

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

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

3. The Executive Engineer,
Greater Chennai Corporation,
Zone 8, Shenoy Nagar, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to forbear them from in anyway interfering with the building at New Door No.9, Old Door No.17, B-Block, 6th Street, Anna Nagar, Chennai 600 102 within the limits of Periyakudal Village, Chennai District, Greater Chennai Corporation, particularly by way of locking & sealing and demolition, pending documents of the petition for extension of time dated 23.04.2021 & 11.05.2021 by the first respondent in the special revision petition under Section 80A of the act dated 18.09.2018.

For petitioner : Mr.D.S.Rajasekaran

For respondents

for R1 : Mr.V.P.R.Elamparithi,
for RR2 & 3 : Mr.K.Raja Shrinivas



ORDER

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

WEB COPY

The Writ Petition is heard through video conferencing.

2. By consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.D.S.Rajasekaran, learned counsel for the petitioner, Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing for the first respondent and Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 2 and 3.

4. The petitioner has come up with this Writ Petition for issuance of a Writ of Mandamus forbearing the respondents 2 and 3 from interfering with his building at New Door No.9, Old Door No.17, B-Block, 6th Street, Anna Nagar, Chennai.

5. The learned counsel appearing for the petitioner Mr.D.S.Rajasekaran would state that the petitioner became the absolute owner of the property in New No.9, Old No.17, B-Block, 6th Street, Anna Nagar, Chennai, by virtue of a settlement deed, dated 05.02.2016. According to the learned counsel, on the complaint of the petitioner's neighbor Dr.Charumathi, the second and third respondent issued a lock and seal notice against the petitioner in the year 2018. Challenging the same, he preferred a special revision under Section 80-A of the Tamil Nadu Town and Country Planning Act on 18.09.2018. In the meanwhile, the officials of the Greater Chennai Corporation sealed the premises of the petitioner, hence the revision filed in the year 2018 has become infructuous. So the petitioner preferred a second special revision on 25.06.2019. The said revision was disposed of by de-sealing the premises of for a period of three months to the rectify the deviation.

6. The learned counsel further submitted that due to Covid-19 pandemic, the deviation could not be rectified in time. Hence, the petitioner submitted applications seeking extension of time on 23.04.2021 and 11.05.2021, but no order has been passed so far. It is the submission of the learned counsel that if time is extended, the petitioner is ready to rectify the defects. Unless the time is extended, the respondents 2 and 3 will not permit the petitioner to carry out the rectification.



7. The learned Additional Government Pleader appearing for the first respondent Mr.V.P.R.Elamparithi. on instructions would state that the extension of time petition dated 23.04.2021 is pending with the first respondent and he is ready to pass orders on the said petition of the petitioner.

8. In the light of the above, we hereby direct the first respondent to pass orders on the application of the petitioner dated 23.04.2021, which was submitted for extension of time, within a period of three weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

pvs

To

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

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

3.The Executive Engineer,
Greater Chennai Corporation,
Zone 8, Shenoy Nagar,
Chennai.

+1cc to Mr.N.Ganesh, Advocate Sr.63298

+1cc to Mr.K.Raja Shrinivas, Advocate Sr.63622

+1cc to the Government pleader Sr.64331.

W.P. No.25935 of 2021

pl[co]

srg 27/12/2021