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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

W.P.No.26289 of 2021
and
W.M.P.No.27738 of 2021

P.Pushpam

...Petitioner

Vs.

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

2.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.

3.The Executive Engineer, Zone - I,
Corporation of Chennai,
Thiruvottiyur,
Chennai - 600 019.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent in respect of the premises situated at No.135, Ennore Express Road, Ondikuppam, Thiruvottiyur, Chennai - 600 019 in pursuance of the De-occupation notice issued by the 3rd respondent dated 22.06.2021 in Letter No.01/00088/2021 or in the alternate the 1st respondent to dispose of the appeal filed by the petitioner under the special provision U/s 80A of the Tamil Nadu Town and Country Planning Act, 1971 within a time frame.



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For petitioner : Mr.S.Thiruvengadam

For respondents : Mr.M.Alagu Goutham
Govt. Advocate (for R1)

Mr.K.Raja Shirinivas
Senior Standing Counsel (for R2 & R3)

ORDER

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

We have heard Mr.S.Thiruvengadam, learned counsel for the petitioner, Mr.M.Alagu Goutham, learned Government Advocate appearing for the first respondent and Mr.K.Raja Shirinivas, learned Senior Standing Counsel appearing for the respondents 2 and 3.

2.By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner challenges the lock and seal notice issued by the respondents dated 22.06.2021 and in alternative, she seeks a direction to the first respondent to dispose of the appeal preferred by her under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 .

4.It is the submission of the learned counsel for the petitioner that the impugned lock and seal notice was issued without providing an opportunity to the petitioner.

5.According to the learned Senior Standing Counsel appearing for the respondents 2 and 3, the petitioner is an encroacher and the lock and seal notice was affixed in the premises that too, in the presence of the employees of the petitioner.

6.The learned Government Advocate appearing for the first respondent would state that the petitioner has preferred the special revision/appeal only on 01.12.2021 and the first respondent is ready to pass orders within a reasonable time.

7.Considering the fact that the petitioner has already preferred the appeal/special revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent, we are of the considered opinion that the same order cannot be challenged in this writ petition. Therefore, we direct the first respondent to dispose of the appeal preferred by the petitioner dated 01.12.2021 within a period of three months from the date of receipt of a copy of this order.



8. Accordingly, this Writ Petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

skn

To

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

2. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.

3. The Executive Engineer, Zone - I,
Corporation of Chennai,
Thiruvottiyur,
Chennai - 600 019.

+lcc to Mr.K.Raja Shrinivas, Advocate SR. No.67145

+lcc to Government Pleader SR. No.66636

W.P.No.26289 of 2021

and

W.M.P.No.27738 of 2021

PVS (CO)

PR (03/01/2022)