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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.01.2022

CORAM

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

W.P.NO.116 OF 2022
AND
W.M.P.NO.122 OF 2022

B.Mohan Kumar

... Petitioner

-vs-

1. The Government of Tamil Nadu
Secretary to the Government
Housing and Urban Development
Department, Secretariat
Chennai - 600 009.
2. The Assistant Engineer
Division Office (Div 128) 61st Street
Greater Chennai Corporation
Chennai - 600 078.
3. The Assistant Executive Engineer
Greater Chennai Corporation
No.64, N.S.K.Salai, Kodambakkam
Chennai - 600 024.
4. The Executive Engineer
Greater Chennai Corporation
No.64, N.S.K.Salai, Kodambakkam
Chennai - 600 024.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of 2nd respondent in Letter No.10/00886/2021 dated 11.10.2021 and consequential order in proceedings Notice No.ZO.X.C.No/00879/2021 dated 20.12.2021 and quash the same as illegal, incompetent and without jurisdiction and further direct the 1st respondent to restrain the respondents 2 to 4 from demolishing the property of the petitioner situated at Door No.5/128, Vanniyar Street, West K.K.Nagar, Chennai - 600 078.



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For petitioner : Mr.V.Raghavachari
For respondents : Mr.R.Siddharth
Government Advocate for R1
Mr.K.Raja Srinivas
Senior Standing Counsel for RR2-4

ORDER

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

The petitioner challenges the lock and seal notice issued by the respondents 2 to 4 dated 11.10.2021 and the De-occupation notice dated 20.12.2021 issued under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act (herein after referred to as "the Act").

2.Heard, Mr.V.Raghavachari, learned counsel for the petitioner; Mr.R.Siddharth, learned Government Advocate appearing for the 1st respondent and Mr.K.Raja Srinivas, learned Senior Standing Counsel appearing for the respondents 2 to 4.

3.It is the submission of the learned counsel for the petitioner that the petitioner has preferred a special revision under Section 80A of the Act, questioning the lock and seal and demolition notice dated 11.10.2021, the subsequent De-occupation notice has been issued without considering the pendency of the special revision filed by the petitioner. He further added that though the petitioner challenges the lock and seal notice and demolition notice and the De-occupation notice, it would suffice to direct the 1st respondent to dispose of the special revision preferred by the petitioner.

4.The learned Senior Standing Counsel appearing for the respondents 2 to 4, would state that the petitioner has totally suppressed the earlier writ petition filed by him and the earlier direction issued therein by this Court. Pursuant to the direction issued in the earlier writ petition, the present notice impugned in this writ petition has been issued.

5.The learned Government Advocate appearing for the 1st respondent, Mr.R.Siddharth, would state state that the special revision preferred by the petitioner is pending for consideration before the 1st respondent and he is ready to pass orders in accordance with law.

6.Taking note of the fact that the petitioner has already challenged the lock and seal and Demolition notice before the



1st respondent, we are not inclined to entertain this writ petition. However, considering the submission of the learned counsels, this writ petition is disposed of, directing the 1st respondent to pass appropriate orders on the special revision preferred by the petitioner, after providing opportunity of personal hearing to the petitioner, in accordance with law. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain Status-quo as on date.

7. With the above direction, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jer

To

1. The Secretary to the Government
Government of Tamil Nadu
Housing and Urban Development
Department, Secretariat
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+1cc to M/s.V.Raghavachari, Advocate, S.R.No.1373
+1cc to the Government Pleader, S.R.No.1601

W.P.No.116 of 2022
and W.M.P.No.122 of 2022

SSN(CO)
RLP(22/02/2022)