



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM:

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

W.P.NO.287 OF 2022
AND
W.M.P.NO.313 OF 2022

Anju Devi

... Petitioner

Versus

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
2. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.
3. The Executive Engineer,
Zone-4,
Greater Chennai Corporation,
Chennai - 600 021.
4. The Assistant Executive Engineer,
Unit-11, Zone-4,
Greater Chennai Corporation,
Chennai - 600 021.
5. The Junior Engineer,
Greater Chennai Corporation,
Division - 45,
Chennai - 600 030.
6. The Government of Tamil Nadu,
Rep. by Secretary to Government,
Housing and Urban Development Department,
Fort St. George Secretariat,
Chennai - 600 009.

... Respondents

[R6, impleaded as per the order of this
Court dated 31.01.2022 in W.M.P.No.1099
of 2022 in W.P.No.287 of 2022]



PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records from the respondents 3 to 5 pertaining to the impugned Lock and Seal notice issued vide Notice No.04/00107/2021, dated 13.12.2021 pertaining to the petitioner's property situated at No.52, Sundaram Main Road, Vyasarbadi, Chennai 600 039 and quash the same, consequently directing the 1st respondent to dispose of the appeal pending before him in accordance with law within the time limit to be fixed by this Court.

For Petitioner : M/s.A.Poonkodi

For Respondents

For R1 : Mrs.Sumathy Sreekanth

For R2 to R5 : Mr.K.Raja Shrinivas

For R6 : Mr.M.Alagu Gowtham

ORDER

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

The Writ Petition is heard through video conferencing.

2. Heard Ms.A.Poonkodi, learned counsel for the petitioner, Mrs.Sumathy Sreekanth, learned Standing Counsel appearing for the first respondent, Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 2 to 5 and Mr.M.Alagu Gowtham, learned Government Advocate appearing for the sixth respondent.

3. This Writ Petition has been filed challenging the lock & seal and demolition notice issued by the respondents 3 to 5 under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning act and for a direction to the first respondent to dispose of the appeal preferred under Section 80-A of the Act.

4. It is the case of the petitioner that vide document No.6821 of 2021, he purchased a property to an extent of 3850 sq.ft. comprised in Survey No.537/1, in Vyasarpadi, Chennai. Thereby, he become the absolute owner of the property. The respondents 3 to 5 has issued impugned notice stating that the petitioner has put up an unauthorized construction.



5. The learned counsel appearing for the petitioner would state that though the petitioner sought for a prayer to quash the lock and seal and demolition notice dated 13.12.2021, he now restricts the prayer for disposal of the special revision preferred before the sixth respondent.

6. The learned Government Advocate appearing for the sixth respondent on instructions would state that the appeal filed by the petitioner is pending before the sixth respondent and he is ready to pass orders in accordance with law.

7. In the light of the submissions of the learned counsels appearing for the petitioner and the learned Government Advocate appearing for the sixth respondent, though the petitioner prayed for a larger relief, this Writ Petition is disposed of directing the sixth respondent to pass orders on the special revision preferred by the petitioner dated 23.12.2021 on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner, within a period of six months. Till then, the respondents are directed to maintain status quo as on date. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government,
The Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George Secretariat,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.



4. The Executive Engineer,
Zone-4,
Greater Chennai Corporation,
Chennai - 600 021.

5. The Assistant Executive Engineer,
Unit-11, Zone-4,
Greater Chennai Corporation,
Chennai - 600 021.

6. The Junior Engineer,
Greater Chennai Corporation,
Division - 45,
Chennai - 600 030.

+1cc to M/s.A.Poonkodi, Advocate, S.R.No.5820
+1cc to the Government Pleader, S.R.No.6443

W.P.NO.287 OF 2022

SR(CO)
PBS/07/03/2022