



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

W.P.No.718 of 2022
and
W.M.P.No.785 of 2022

Nandhakumar

...Petitioner

Vs.

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

2.Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

...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 second respondent made in Impugned Notice in Letter No.EC/S-II/12717/2021 dated 16.12.2021 and quash the same as illegal and arbitrary and non-est in law and consequently directing the second respondent from taking any coercive action of locking and sealing and Demolition of the building situated at Door No.39, Kamaraj Colony, Chitlapakkam 1st main road, Chitlapakkam, Chennai - 600 064, till the disposal of the Appeal, filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.Vijayan Subramanian

For Respondents : Mr.V.P.R.Elamparithi
Addl. Govt. Pleader (for R1)

Mrs.C.Sumathy Sreekanth
Standing Counsel (for R2)



ORDER

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

Mr.V.P.R.Elamparithi, learned Additional Government Pleader takes notice for the first respondent and Mr.C.Sumathy Sreekanth, learned Standing Counsel takes notice for the second respondent. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come forward with this writ petition seeking for issuance of a Writ of Certiorarified Mandamus to quash the Impugned Notice in Letter No.EC/S-II/12717/2021 dated 16.12.2021 and consequently to direct the second respondent from taking any coercive action of locking and sealing and Demolition of the building situated at Door No.39, Kamaraj Colony, Chitlapakkam 1st main road, Chitlapakkam, Chennai - 600 064, till the disposal of the Appeal, filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

3.The learned counsel appearing for the petitioner Mr.Vijayan Subramanian would state that the petitioner is not the owner of the property in question and his wife is the original owner, however, a notice under Sections 56 and 57 r/w 85 of the Tamil Nadu Town and Country Planning Act was issued to the petitioner. He further added that the petitioner has preferred special revision under Section 80-A of the Act to the first respondent, but in the meanwhile, the second respondent has attempted into interfering with the petitioner's building. Hence, the present writ petition.

4.The learned counsel for the petitioner further submits that it would suffice, to direct the first respondent to dispose of the special revision/appeal preferred by the petitioner and till then, an interim order may be issued, since the petitioner is having an apprehension of interference from the respondents.

5.Mr.V.P.R.Elamparith, learned Additional Government Pleader appearing for the first respondent, on instruction, would state that the first respondent is ready to pass orders on the appeal filed by the petitioner in accordance with law.

6.We have heard Mrs.C.Sumathy Sreekanth, learned Standing Counsel appearing for the second respondent.

7.Considering the facts and circumstances of the case and the submission 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



appeal preferred by the petitioner under Section 80-A of the Act, on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner, within a period of six months from the date of receipt of a copy of this order. Till then, no coercive steps shall be taken.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

skn

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

W.P.No.718 of 2022
and
W.M.P.No.785 of 2022

PMK (CO)
GMY (17/02/2022)