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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

W.P.No.1368 of 2022
and
W.M.P.No.1491 of 2022

J.Sridhar

...Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 9.

2.Executive Engineer,
Zone No.VII, Greater Chennai Corporation,
Thiruvallur High Road, Opp. Dunlop,
Ambattur, Chennai - 53.

3.Assistant Executive Engineer,
Zone No.VII, Unit - 18,
Greater Chennai Corporation,
Thiruvallur High Road, Opp. Dunlop,
Ambattur, Chennai - 53.

4.Assistant Engineer,
Division 83, Unit - 18, Zone - VII,
Greater Chennai Corporation,
V.R.Nagar, Karattur, Chennai - 80

5.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi-Irwin Road,
Egmore, Chennai - 8.

...Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Mandamus directing the 1st respondent to dispose of the



petitioner's application for revision dated 06.01.2022 seeking to quash the Locking and Sealing Notice dated 24.12.2021 and the petitioner's application for stay the Locking and Sealing Notice dated 24.12.2021, within the time limit stipulated by this Court and consequently forbearing the respondents 2 to 4 from taking any coercive action in pursuant to the Locking and Sealing Notice dated 24.12.2021 with respect the building bearing Door No.12A, Gandhi Nagar, Srinivasapuram, Korattur, Chennai-76 till the disposal of the petitioner's application for revision dated 06.01.2022.

For petitioner :Mr.C.Ravichandran

For respondents:Mr.M.Alagu Gowtham
Govt. Advocate for R1

Mr.K.Raja Shrinivas
Senior Standing Counsel
for R2 to R4

Mrs.C.Sumathy Sreekanth
Standing Counsel for R5

ORDER

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

The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus directing the 1st respondent to dispose of his revision dated 06.01.2022 seeking to quash the Lock and Seal Notice dated 24.12.2021.

2.Dr.C.Ravichandran, learned counsel for the petitioner would submit that the petitioner's father, by name, Jegannathan Aiyengar purchased a vacant land measuring to an extent of 1200 square feet in Gandhi Nagar, Srinivasapuram, Korattur, Chennai, through a registered sale deed, dated 03.04.1991. Subsequently, after obtaining planning permission from the erstwhile Ambattur Municipality, he put up construction in accordance with the plan and the property was also assessed by the Ambattur Municipality. It is further contended that when the petitioner made a complaint to the authorities of the Corporation to take action against his neighbour P.Velmurugan, the lock and seal notice dated 24.12.2021 was issued against him.

3.According to the learned counsel, the petitioner has challenged the said notice before the first respondent under



Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and when the special revision is pending, the authorities are interfering with the enjoyment of the petitioner. Hence, this writ petition has been filed.

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4.The learned counsel for the petitioner further submits that it would suffice, to direct the first respondent to dispose of the special revision 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.The learned Government Advocate appearing for the first respondent Mr.M.Alagu Gowtham, on instructions, would submit that the special revision preferred by the petitioner is pending before the first respondent and he is ready to pass orders in accordance with law.

6.In this regard, we have heard Mr.K.Rajashrinivas, learned Senior Standing Counsel appearing for the respondents 2 to 4 and Mrs.C.Sumathy Sreekanth, learned Standing Counsel appearing for the fifth respondent.

7.In the light of the prayer sought for in this writ petition and the submission of the learned counsel 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 special revision preferred by the petitioner under Section 80-A of the Act, dated 06.01.2022, on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner. Till then, no coercive steps shall be taken by the respondents.

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

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skn
To

1.The Secretary to Government,
Housing and Urban Development Department,
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+1cc to Dr.C.Ravichandran, Advocate Sr.6372

W.P.No.1368 of 2022
and
W.M.P.No.1491 of 2022

mt[co]
srg 18/02/2022