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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.1853 of 2022

and

W.M.P. No.1999 of 2022

Usha Sundaresan

... Petitioner

vs

- 1.The Government of Tamilnadu,
rep. by its Secretary to the Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner of Corporation,
Office of the Commissioner of Corporation,
Rippon Building, E.V.R.Salai,
Chennai - 600 003.
- 3.The Assistant Engineer,
Office of the Corporation,
Division - 118, Zone-09,
Valluvarkottam, Chennai - 600 034.
- 4.The Assistant Executive Engineer,
Office of the Corporation,
Unit-24, Zone-09,
Valluvarkottam,
Chennai - 600 034.
- 5.The Executive Engineer,
Office of the Corporation,
Zone-09, Valluvarkottam,
Chennai - 600 034.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the first respondent herein to consider the Petitioner's representation dated 09.01.2022 and to pass orders within a stipulated time.



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For Petitioner : Mr.P.S.Alagiri

For Respondents : Mr.V.P.R.Elamparithi,
Additional Government Pleader for R1

Mr.K.Raja Srinivas,
Standing Counsel for Corporation
for R2 to R5

ORDER

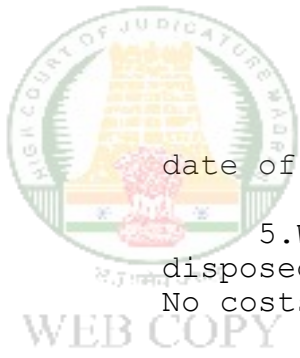
[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court seeking a direction to the first respondent herein to consider her representation dated 09.01.2022 and to pass orders within a stipulated time.

2.Learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property situated at Old No.257/1, New No.280, Avvai Shanmugam Salai, Gopalapuram, Chennai-600 086. While so, one Kalyanaraman, neighbour of the petitioner, lodged a false complaint against her stating that she had put up an illegal construction of car shed in his house. Although there is no deviation or illegal construction made by the petitioner, respondents 3 to 5 issued the above locking, sealing and demolition notice dated 28.12.2021 to the petitioner. Earlier, a Notice dated 11.06.2018 was issued by respondents 3 to 5 calling upon the petitioner to provide the plan approval of her house and the same was provided to them. Despite the same, the above de-occupation notice was issued to the petitioner, which is against the principles of natural justice. Therefore, mentioning all the above facts, a detailed representation dated 09.01.2022 was given by the petitioner to the respondents requesting them to take back the above notice and to pass orders into the matter under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971. As there was no response by the respondents till date, the petitioner is before this Court.

3.Learned Additional Government Pleader appearing for the first respondent submitted that a direction may be given to the first respondent to consider the representation dated 09.01.2022 made by the petitioner.

4.Considering the fact that the petitioner has put up a car shed on her own property, which according to her cannot be considered as a violation, we hereby direct the first respondent herein to consider the representation dated 09.01.2022 given by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the



date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. Consequently, W.M.P. No.1999 of 2022 stands closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1. The Secretary to the Government,
Government of Tamilnadu,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Corporation,
Office of the Commissioner of Corporation,
Rippon Building, E.V.R. Salai,
Chennai - 600 003.
3. The Assistant Engineer,
Office of the Corporation,
Division - 118, Zone-09,
Valluvarkottam, Chennai - 600 034.
4. The Assistant Executive Engineer,
Office of the Corporation,
Unit-24, Zone-09,
Valluvarkottam,
Chennai - 600 034.
5. The Executive Engineer,
Office of the Corporation,
Zone-09, Valluvarkottam,
Chennai - 600 034.

W.P.No.1853 of 2022 and W.M.P. No.1999 of 2022

GPL (CO)
SB(17/03/2022)