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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

W.P.NO.2004 OF 2022
AND
W.M.P.NO.2154 OF 2022

Lal Chand

...Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
St. George Fort, Secretariat, Chennai - 600 009.
2. Executive Engineer, Zone - XV,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 600 119.
3. Assistant Executive Engineer,
Zone -XV, Unit -44,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 600 119.
4. Assistant Engineer, Division-196,
Unit - 44, Zone - XV,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 600 119.

...Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to consider and pass orders in the Stay petition and also in the Appeal dated 25.01.2022 filled by the petitioner challenging the Lock and Seal and Demolition Notice Letter No.15/00120/2022 dated 04.01.2022 in respect of premises bearing Nos.32 and 33, Villa 'B' S. N. Nagar 3rd Street,



Vettuvankeni, Chennai - 600 115, within a time period to be fixed by this Court and consequently, forbearing the respondents 2 to 4 from taking coercive steps pursuant to the Lock and Seal and Demolition Notice letter No.15/00120/2022 dated 04.01.2022 till the disposal of Appeal dated 25.01.2022 by the 1st respondent.

For petitioner : Mr.C.Ravichandran

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

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

ORDER

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

Mr.M.Alagu Goutham, learned Government Advocate takes notice on behalf of the first respondent and Mr.K.Raja Shrinivas, learned Senior Standing Counsel takes notice on behalf of the respondents 2 to 4. By consent, 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 Mandamus directing the first respondent to pass orders on the appeal dated 25.01.2022 seeking to quash the Lock and Seal and Demolition Notice dated 04.01.2022 issued by the respondents 2 to 4. It appears that aggrieved over the lock and seal and demolition notice issued by the respondents 2 to 4, the petitioner has preferred a statutory appeal/special revision before the first respondent on 25.01.2022.

3.According to the learned counsel appearing for the petitioner Mr.C.Ravichandran, the petitioner has challenged the said lock and seal 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.

4.The learned counsel for the petitioner further submits that it would suffice, to direct the first respondent to dispose of the appeal/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 instruction, would submit that the appeal/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.

7.In the light of the nature of 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 appeal/special revision preferred by the petitioner under Section 80-A of the Act, dated 25.01.2022, 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(CS II)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Secretary to Government,
Housing and Urban Development Department,
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4. Assistant Engineer, Division-196,
Unit - 44, Zone - XV,
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No.120, Rajiv Gandhi Salai,
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+1cc to Dr.C.Ravichandran, Advocate, S.R.No.7242
+1cc to the Government Pleader, S.R.No.7692

W.P.No.2004 of 2022
and
W.M.P.No.2154 of 2022

KG (CO)
PM/09/03/2022