



WEB COPY

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.2006 OF 2022
AND
W.M.P.NO.2155 OF 2022

Yasmeen Rafath

...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 19.01.2022 filled by the petitioner challenging the Lock and Seal and Demolition Notice Letter No.15/00119/2022 dated 04.01.2022 in respect of premises bearing Nos.32 and 33, Villa Block C, Sri Narayana Nagar



(Gobinath 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.15/00119/2022 dated 04.01.2022 till the disposal of Appeal dated 19.01.2022 by the 1st respondent.

For petitioner : Mr.C.Ravichandran

For respondents : Mr.V.P.R.Elamparithi
Addl. Govt. Pleader for R1

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

ORDER

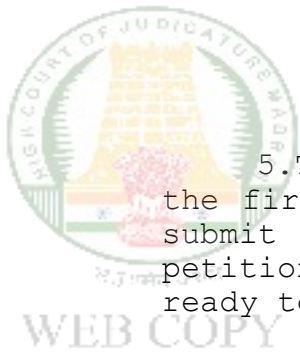
(The Order of the Court was made by K.KALYANASUNDARAM,J)

Mr.V.P.R.Elamparithi, learned Additional Government Pleader takes notice on behalf of the first respondent and Mr.K.Raja Shirnivas, 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 19.01.2022 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 19.01.2022.

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 Additional Government Pleader appearing for the first respondent Mr.V.P.R.Elamparithi, 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 19.01.2022, 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)

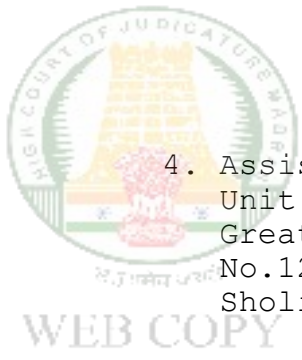
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Sub Assistant Registrar

skn

To

1. The Secretary to Government,
Housing and Urban Development Department,
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Unit - 44, Zone - XV,
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+1cc to Mr.C.Ravichandran, Advocate, S.R.No.7243

W.P.No.2006 of 2022
and
W.M.P.No.2155 of 2022

KG(CO)
PM/09/03/2022