



WEB COPY

W.P.No.5838



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**W.P.No.5838 of 2022
and W.M.P.No.5931 of 2022**

Meenakokila

...Petitioner

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.
- 2.The Zonal Officer Zone-04,
Greater Chennai Corporation,
No.266, Tondiyarpur High Road,
- 3.The Executive Engineer,
Div-44 Zone-4 Greater Chennai,
Corporation No.266 Tondiyarpur High Road,
Old Washermanpet, Chennai – 600 021.
- 4.The Assistant Executive Engineer,
Div-44 Zone-4 Greater Chennai
Corporation Nattal Garden 2nd Street,
Perambur, Chennai – 600 011.
- 5.The Assistant Engineer,
Div-44 Zone-4 Greater Chennai,
Corporation Nattal Garden 2nd Street,
Perambur, Chennai – 600 011.



6.The Chairman/Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai – 600 005.

(R6 suo motu impleaded vide order dt. 11.04.2022

made in W.P.No.5838/2022)

Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, calling for the records of the respondent relating to the impugned notice issued lock and seal notice dated 28.12.2021 signed on 12.01.2022 and which was received on 24.01.2022 and quash the same as illegal.

For Petitioner : Mr.M.Dharanidharan

For Respondents : Mr.D.B.R.Prabhu for R1 to R5
Standing Counsel

Mr.G.Sivakumar for R6

ORDER

(Order of the court was delivered by R.Subramanian, J.)

Challenge is to the Lock and Seal notice dated 28.12.2021 issued by the Chennai Corporation claiming that the petitioner is putting up construction without an approved plan.



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2.Learned counsel for the petitioner would submit that the construction was put up 40 years back by her father and the area in which the building has been put up is a slum area and therefore, the planning permission is not mandatory.

3.The Secretary of the Tamil Nadu Urban Habitat Development Board (formerly known as Tamil Nadu Slum Clearance Board) has filed a counter affidavit stating that the portion of the land that is in occupation of the petitioner does not fall with in the approved slum area and neither the petitioner nor her predecessor have been granted an allotment by the Board. Therefore, the claim of the petitioner that it is a slum area and that the land has been allotted to her appears to be incorrect.

4.The Chennai Corporation has issued Lock & Seal notice and de-occupation notice which are appealable under Section 80 (A) of the Tamil Nadu Town and Country Planning Act.



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5. We therefore see no ground to entertain the Writ Petition and the Writ Petition is dismissed with liberty to the petitioner to approach the Government under Section 80 (A). There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.)

(K.B., J.)

16.11.2022

Index: no

Speaking order: Yes

pam



To

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R.SUBRAMANIAN, J.
and
K. KUMARESH BABU, J.

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