



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.4363 OF 2022 AND W.M.P. NO.4483 OF 2022

V.S.Krishnakumar

...Petitioner

Vs

- 1.Government of Tamilnadu,
rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
- 3.The Executive Engineer,
Zone-06, Greater Chennai Corporation,
Agaram, Chennai-82.
- 4.The Assistant Executive Engineer,
Unit-15, Greater Chennai Corporation,
Agaram, Chennai-82.
- 5.The Assistant Engineer,
Division-067, Greater Chennai Corporation,
Agaram, Chennai-82.
- 6.Sridevi
- 7.Balasubramaniam
- 8.M/s.Om Sri Sai Builders,
rep. by its Proprietors
M.L.Murugan and V.D.Suresh Babu

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records pertaining to the lock and seal and demolition notice



issued by the 3rd to 5th respondents in Letter No.06/00414/2022 dated 19.01.2022 and quash the same and consequently direct the first respondent to dispose the appeal filed by the petitioner on 29.07.2021 vide Reference L.No.06/00375/2021.

WEB COPY

For Petitioner : Mr.P.S.Ganesh
For Respondents : Mrs.V.Yamuna Devi,
Special Government Pleader for R1
Mr.K.Raja Shrinivas,
for R2 to R5

ORDER

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

Challenging the impugned notice dated 19.01.2022 issued by respondents 3 to 5 in Letter No.06/00414/2022, the petitioner has come to this Court seeking a direction to the first respondent to dispose of the appeal filed by him on 29.07.2021 vide Reference L.No.06/00375/2021.

2.Learned counsel appearing for the petitioner submitted that the petitioner and his wife are the joint owners of the Flat, situated at Sai Nagar, 3rd Street, Peravallur, Chennai-600 082 and totally 4 flats were approved according to the sanction plan. During the completion of flats, respondents 6 to 8 started to put up construction and when the same was questioned by the flat owners, it was informed that they have obtained special approval for the said ground floor flat. In this regard, the petitioner has given a complaint dated 04.01.2021 to the respondents concerned. But without taking any action, respondents 3 to 5 have issued Lock and Seal and Demolition notice under Section 85 of the Tamil Nadu Town and Country Planning Act. Aggrieved against the same, an appeal was preferred by the petitioner. When the appeal is pending before the first respondent, without appreciating the fact that the petitioner has got a fair chance of success before the first respondent, another lock and seal and demolition notice dated 19.01.2022 has been issued by respondents 3 to 5. Challenging the above notice, the petitioner is before this Court.

3.At this stage, learned Standing Counsel appearing for respondents 2 to 5 submitted that when the first notice was issued calling upon the petitioner to produce the approved planning permission, the respondents could find that there is a deviation in constructing the flat and therefore, the present lock and seal notice was issued. Learned Standing counsel sought twelve weeks' time to dispose of the pending appeal.



4. Since the appeal filed by the petitioner is pending for consideration, we are inclined to grant some time to the concerned respondent to dispose of the appeal. Accordingly, the first respondent is directed to dispose of the appeal filed 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. Till then, the parties shall maintain status quo.

5. With the above direction, the writ petition stands disposed of. Consequently, W.M.P. No.4483 of 2022 stands closed. No costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

vga

To

1. Government of Tamilnadu,
rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.
3. The Executive Engineer,
Zone-06, Greater Chennai Corporation,
Agaram, Chennai-82.
4. The Assistant Executive Engineer,
Unit-15, Greater Chennai Corporation,
Agaram, Chennai-82.
5. The Assistant Engineer,
Division-067, Greater Chennai Corporation,
Agaram, Chennai-82.

+1cc to Mr.P.S.Ganesh, Advocate Sr.No.12930
+1cc to Mr.K.Rajashrinivas, Advocate Sr.No.13909
+1cc to the Government Pleader Sr.No.13742

W.P.No.4363 of 2022 and W.M.P. No.4483 of 2022

RSI(CO)
RVM(18/03/2022)