

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.4548 of 2022 and WMP.No.4689/2022

B.Surendiran

...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.06/00415/2022 dated 19.01.2022 (received on 27.01.2022) 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.

For Petitioner : Mr.P.S.Ganesh
For Respondents : Mr.Suresh,
Government Advocate for R1

Mr.K.Raja Shrinivas,
for R2 to R5

ORDER

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

Challenging the impugned Lock and Seal and Demolition Notice dated 19.01.2022 issued by respondents 3 to 5 in Letter No.06/00415/2022 and for quashing the same with a consequential direction, directing the first respondent to dispose of the appeal filed by the petitioner on 29.07.2021 vide Reference L.No.06/00375/2021, the present Writ Petition has been filed.

2.Learned counsel appearing for the petitioner submitted that the petitioner is the owner of the Flat F1, First Floor, situated at Sai Nagar, 3rd Street, Peravallur, Chennai-600 082 and totally 4 flats were approved according to the sanctioned plan. During the completion of the said flats, respondents 6 to 8 have started to put up construction and when the same was questioned by the other 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 thereon, the respondents 3 to 5 have issued a Lock and Seal and Demolition notice dated 19.07.2021 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 the respondents 3 to 5. Challenging the said Lock and Seal and demolition notice, the petitioner is before this Court with this Writ Petition.

3. Mr.K.Suresh, learned Government Advocate takes notice for 1st respondent and Mr.K.Raja Shrinivas, learned Standing Counsel for Corporation of Chennai takes notice for respondents 2 to 5.

4. Learned Standing Counsel appearing for the 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 said flat-in-question and therefore, the second impugned lock and seal and demolition notice was issued. However, the learned Standing counsel sought twelve weeks' time to dispose of the pending appeal filed by the petitioner.

5. Considering the facts and circumstances of the matter and also the fact that the appeal filed by the petitioner is pending consideration, we are inclined to grant some more time to the concerned respondent to dispose of the appeal. Accordingly, the first respondent herein, namely, The Secretary, Government of Tamilnadu, Housing and Urban Development Department, Fort St. George, Secretariat, Chennai - 600 009, is directed to consider the appeal filed by the petitioner vide Reference L.No.06/00375/2021 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. It is made clear that till then, the parties shall maintain status quo.

6. With the above directions, the writ Petition is disposed of. Consequently, connected WMP. is closed. No costs.

s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.The Secretary,
Government of Tamilnadu,
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.

+1 CC to Mr.P.S.Ganesh, Advocate sr 13591
+1 CC to Mr.K.Raja Srinivas, Advocate sr 13918
+1 CC to The Government Pleader sr 14656.

W.P.No.4548 of 2022

SSV(CO)
SP(21/03/2022)