



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.5845 of 2022 and WMP.No.5939 of 2022

K.Ramachandran

... Petitioner

-vs-

1. The Assistant Executive Engineer U-20
GCC., Ambattur Zone-7,
Ward 90, 536, CTH Road, Ambattur,
Chennai-600 053.
2. The Executive Engineer,
Greater Chennai Corporation, Zone-7,
536, Chennai Thiruvallur Highway Road,
Ambattur, Chennai-600 053.
3. The Commissioner,
GCC, Ambattur Zone-7,
Ward 90, 536, CTH Road, Ambattur,
Chennai-600 053.
4. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Periamet,
Chennai-600 003.
5. The Member-Secretary CMDA,
Egmore, Chennai-600 008.
6. The Secretary to Government of
Tamil Nadu, Department of Housing and
Urban Development, Secretariat,
Chennai-600 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the entire records of the respondents to quash the 2nd respondent's notice No.ZONE-VII/TPENF/Dn-90/229/2022 dated 25.01.2022 for lock, seal and demolish the petitioner's residential house building with ground floor, 2nd floor and 3rd



floor totally to an extent of 2193 sq.ft. which was built up in the allotted base land to an extent of 731 sq.ft. owned by the petitioner as per the Government (respondents) allotment No.ASPL/569/82 dated 17.08.1983 and further direction to the 2nd respondent to consider the petitioner's representation dated 05.02.2022 for regularization of the petitioner's residential building's disputed floors in accordance with law to secure the ends of justice.

For Petitioner : ***Ms.S.Lakshmipriya
for Mr.T.Vijay Shankar**
For Respondents : Mr.K.Raja Shrinivas,
2 to 4 Standing Counsel
For 5th respondent : Mrs.C.Sumathi
For 6th respondent : Mr.K.Surender,
Addl. Govt. Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed by the Writ Petitioner challenging the impugned proceedings dated 25.01.2022 issued by the 2nd respondent, namely, The Executive Engineer, Greater Chennai Corporation, Zone-7, 536, Chennai Thiruvallur Highway Road, Ambattur, Chennai-600 053 for locking, sealing and demolishing the petitioner's residential house with ground floor, 2nd floor and 3rd floor totally to an extent of 2193 sq.ft. which was built up in the allotted base land to an extent of 731 sq.ft. owned by the petitioner as per the Government (respondents) allotment No.ASPL/569/82 dated 17.08.1983 with a consequential direction, directing the 2nd respondent to consider the petitioner's representation dated 05.02.2022 for regularization of the petitioner's residential building's disputed floors in accordance with law.

2. The gist of this case is that since the petitioner has put up unauthorized construction of 202.77 metres, an action was taken by the CMDA earlier vide order dated 25.01.2000 in Lr.No.REG/B8/19839/99, calling upon him to pay the regularization fee after deduction of the amount of Rs.1750/- deposited already, namely, Rs.2,51,750/- along with development charges for building Rs.2,100/- and for scrutiny fee shortfall for payment made earlier Rs.520/-. Since the petitioner has not come forward to pay the said amount, the impugned lock and seal and demolition notice in No.ZONE-VII/TPENF/Dn-90/229/2022 dated 25.01.2022 was issued by the 2nd respondent after twenty years.

3. When the matter was taken up today, learned Counsel appearing for the 6th respondent informed us that the lock and seal and demolition notice shows that against the said notice,



there is an appeal provision available for the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act. Therefore, without approaching the statutory appellate authority, the petitioner has approached this Court by filing the present Writ Petition, which is not at all maintainable.

4. Learned Counsel for the 6th respondent would also submit that the petitioner has not even shown any seriousness to make the payment of Rs.2,51,000/- as directed by the CMDA by issuing a notice dated 25.01.2000.

5. Considering the facts and circumstances of the matter, we do not wish to dwell into the claim and counter claim as there is an appeal provision under Section 80-A of the Tamil Nadu Town and Country Planning Act, we hereby direct the petitioner to file an appeal before the 6th respondent, namely, The Secretary to the Government of Tamil Nadu, Department of Housing and Urban Development, Secretariat, Chennai-600 009, within a period of two weeks from the date of receipt of a copy of this Order against the notice dated 25.01.2022 issued by the 2nd respondent and if any such appeal is filed within such time, the 6th respondent shall consider and dispose of the same on merits by giving requisite notice to the aggrieved persons, within a period of two weeks thereafter.

6. With the above observation and direction, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

***correction carried out as per
Petitioner's Counsel Letter dated 13.05.2022**

-s/d-

**Sub Assistant Registrar(CSII)
dt:20.05.2022**

//True Copy//

Sub Assistant Registrar



1. The Assistant Executive Engineer U-20
GCC., Ambattur Zone-7,
Ward 90, 536, CTH Road, Ambattur,
Chennai-600 053.

2. The Executive Engineer,
Greater Chennai Corporation, Zone-7,
536, Chennai Thiruvallur Highway Road,
Ambattur, Chennai-600 053.

3. The Commissioner,
GCC, Ambattur Zone-7,
Ward 90, 536, CTH Road, Ambattur,
Chennai-600 053.

to be substituted the
order already despatched
on **06.05.2022**

4. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Periamet,
Chennai-600 003.

5. The Member-Secretary CMDA,
Egmore, Chennai-600 008.

6. The Secretary to Government of
Tamil Nadu, Department of Housing and
Urban Development, Secretariat,
Chennai-600 009.

+1 cc to Mr.T.Vijayashankaran ., Advocate Sr.NO. 24606
+1 cc to Mr.K.Raja Shrinivasan, Advocate Sr.NO. 24649
+1 cc to Government Pleader Sr.NO. 24316

W.P.No.5845 of 2022

RSV(CO)
A.SK(22/04/2022)
A.SK(23/05/2022)