



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

CORAM

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

W.P.No.8889 of 2022 and
W.M.P. Nos.8724 and 8726 of 2022

S.Kandavel

... Petitioner

vs

- 1.The Commissioner,
Greater Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
- 2.The Chief Engineer,
Greater Chennai Corporation,
Island Grounds,
Chennai - 600 009.
- 3.The Executive Engineer,
Zone 05, Unit 12, Division 51,
Greater Chennai Corporation,
No.9, Chidambaram 7th Street,
Basin Bridge,
Chidambaram Nagar,
Chennai - 600 001.
- 4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Zone 05, Unit 12, Division 51,
No.9, Chidambaram 7th Street,
Basin Bridge,
Chidambaram Nagar,
Chennai 600 001.
- 5.The Assistant Engineer,
Greater Chennai Corporation,
Zone 05, Unit 12, Division 51,
Old Washermenpet, Chennai 600 021.



6. The Member Secretary,

Chennai Metropolitan Development Authority,

No.1, Gandhi Irwin Road,

Egmore,

Chennai - 600 008.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari calling for the records pertaining to the impugned notices of Lock and Seal and Demolition and De-occupation issued vide Letter No.05/04795/2021 dated 01.07.2021 and Letter No.05/04795/2022 dated 18.03.2022 issued by the Executive Engineer, Zone 05, the third respondent herein, the Assistant Executive Engineer, Unit 12, the fourth respondent herein and the Assistant Engineer, DIV 051, the fifth respondent herein and to quash the same.

For Petitioner : Mr.S.S.Jhothivani

For Respondents : Mr.K.Raja Shrinivas,
Standing Counsel for Corporation
for R1 to 5

Mrs.P.Veenasuresh,
CMDA for R6

ORDER

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

Challenging the impugned notices of Lock and Seal and Demolition and De-occupation issued vide Letter No.05/04795/2021 dated 01.07.2021 and Letter No.05/04795/2022 dated 18.03.2022 issued by the Executive Engineer, Zone 05, the third respondent herein, the Assistant Executive Engineer, Unit 12, the fourth respondent herein and the Assistant Engineer, DIV 051, the fifth respondent herein, the petitioner has come to this Court with this Writ Petition.



2.Learned counsel appearing for the petitioner submitted that originally the land and building, situated at Door No.70/53, Narasiar Street, Old Washermenpet, Chennai-600 021, were owned by the mother of the petitioner S.Mahamayee Ammal vide Document No.2533/1956 dated 24.08.1956 and patta was also issued in her favour by the revenue authorities and in the year 1981, sanction was given to her for construction of the building vide sanction c3145/45/81 dated 16.06.1981 by the Executive Engineer, Unit IV, Corporation of Chennai. Thereafter, she executed a Settlement Deed in favour of the petitioner vide Document Registration No.2951/2022 dated 27.09.2002 and after her demise, the petitioner has been in possession and enjoyment of the property, by paying necessary taxes regularly. Although the petitioner has not made any alteration in the building, except renovation and white washing the building then and there, the petitioner was issued with a letter dated 05.05.2018 calling him to stop the work carried out in the above premises and to submit a copy of the sanctioned plan. Therefore, the petitioner submitted a representation dated 27.07.2018 enclosing a copy of the sanctioned plan. While so, the respondents concerned have issued lock and seal and demolition notice to the petitioner vide impugned letter dated 01.07.2021 as if he has not submitted the sanctioned plan and they have also issued impugned letter dated 18.03.2022 for de-occupation by granting 15 days time. When the petitioner has already submitted the sanctioned plan, the lock and seal and de-occupation notices issued by the respondents concerned are not legally sustainable. Therefore, the petitioner is before this Court seeking the above prayer.

3.Opposing the above prayer, learned Standing Counsel appearing for Corporation submitted that if the petitioner had not made any deviated construction and constructed the building only in terms of the approved planning permission, on receipt of the lock and seal, followed by de-occupation notices, he ought to have approached only the statutory authority under Section 80-A of the Tamil Nadu Town and Country Planning Act within 30 days time. Without doing so, he cannot invoke the extraordinary jurisdiction under Article 226 of the Constitution of India by filing this writ petition before this Court.

4.Therefore, as the petitioner is having statutory appeal/revision remedy under Section 80-A of the Tamil Nadu Town and Country Planning Act that has to be invoked within 30 days from the date of issuance of lock and seal notice, this Court, sitting under the Article 226 of the Constitution of India, not



being an Appellate Authority to over see the order passed by the respondents, is not inclined to entertain this writ petition. Accordingly, this writ petition stands dismissed. It is open to the petitioner to file an appeal/revision, if so advised. Consequently, connected W.M.Ps are closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vga
To

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Egmore,
Chennai - 600 008.

+1cc to M/s.S.S.Jhothivani, Advocate Sr.27954
+1cc to M/s.P.Veena Suresh, Advocate Sr.28361
+1cc to Mr.K.Raja Srinivas, Advocate Sr.Sr.28505

W.P.No.8889 of 2022 and W.M.P. Nos.8724 and 8726 of 2022

ssi[col]
srg 16/05/2022