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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.8703/2022
and
WMP.Nos.8619 and 8620 of 2022

K.Madhavan

...Petitioner

-vs-

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.
2. The Executive Engineer,
Greater Chennai Corporation,
Zone-4, Old Washermanpet,
Chennai-600 021.
3. The Assistant Executive Engineer,
Greater Chennai Corporation,
Unit-09, Erukkancheri,
Chennai-600 118.
4. The Assistant Engineer,
Greater Chennai Corporation,
Division-34, Kodungaiyur,
Chennai-600 118.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st respondent to consider and dispose of the appeal dated 21.03.2022 bearing No.5102/2022 filed by the petitioner under Sections 79 and 80-A of the Tamil Nadu Town and Country Planning Act within a time framed fixed by this Court and further forbear the proceedings of the respondents 2 to 4 on the stop work notice/notice calling for approved plan dated 14.12.2021, the lock and seal and demolition notice dated 05.01.2022 and de-occupation notice dated 23.02.2022 till the disposal of the appeal.



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For Petitioner : Mr.P.Arumugavel

For Respondents : Mr.Karthik Jaganathan,
Government Advocate for R1

Mr.K.Raja Shrinivas,
Standing Counsel for R2 to R4

ORDER

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

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the 1st respondent to consider and dispose of the appeal dated 21.03.2022 bearing No.5102/2022 filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act within a time framed fixed by this Court with a consequential direction, forbearing the proceedings of the respondents 2 to 4 on the stop work notice/notice calling for approved plan dated 14.12.2021, the lock and seal and demolition notice dated 05.01.2022 and de-occupation notice dated 23.02.2022 till the disposal of the appeal.

2.Learned Counsel appearing for the petitioner would submit that the petitioner has been residing with his family members at No.106, Vedhanda Murugappa Naicker Steet, Selavayal, Kodungaiyur, chennai-118 for the past 25 years and after putting up a dwelling house in Old Survey No.106/3 Part, New Survey No.7/6 for an extent of 88 sq.m. he has been paying the property tax, water tax for the above said property. He has also obtained Gas connection, Electricity connection, Family Card, Voter ID, Driving Licence, Bank Pass Book and Aadhar Card in the above mentioned address. That apart, the Government of Tamil Nadu has issued patta on 20.03.2013 to the petitioner in respect of the property-in-question.

3.Learned Counsel for the petitioner would further submit that on 23.12.2021, the petitioner has found that a stop work notice/calling for approved plan dated 14.12.2021 signed by the respondents 3 and 4 has been affixed in his house wall followed by another notice of lock and seal dated 05.01.2022 and even in these notices, the name and address of the petitioner has not been mentioned properly. Thereafter, on 07.02.2022, the petitioner has given a reply for the said notices dated 14.12.2021 and 05.01.2022. Without considering the reply given by the petitioner, the respondents has affixed a photo copy of another notice of de-occupation dated 23.02.2022 on the wall of the petitioner's house on 02.03.2022. Hence, when the petitioner and his family members have been residing in the property-in-question for the past 25 years after building up a dwelling



house and paying all the taxes, he cannot be evicted from the place-in-question. Therefore, the petitioner preferred an appeal in Appeal No.5102/2022 before the 1st respondent herein challenging the above said notices, but the same is still pending. Hence, the present Writ Petition has been filed.

4.Mr.Karthik Jaganathan, learned Government Advocate takes notice for 1st respondent and Mr.K.Raja Shrinivas, learned Standing Counsel takes notice for respondents 2 to 4.

5.Learned Standing Counsel for the respondents 2 to 4 would submit that since the appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act is pending consideration before the 1st respondent, namely, the Principal Secretary to Government, Housing and Urban Development Department, Chennai-600 009, the same would be taken up and disposed of within a period stipulated by this Court.

6.Placing on record the said submissions made by the learned Standing Counsel for the respondents 2 to 4, without making any observation on the merits of the matter, we hereby direct the 1st respondent herein, namely, the Principal Secretary to Government, Housing and Urban Development Department, Chennai-600 009, to consider and dispose of the appeal dated 21.03.2022 bearing No.5102/2022 filed by the petitioner, within a period of twelve weeks from the date of receipt of a copy of this Order. It is made clear that till such time, no coercive steps shall be taken by the respondents.

7.With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.



2. The Executive Engineer,
Greater Chennai Corporation,
Zone-4, Old Washermanpet,
Chennai-600 021.

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3. The Assistant Executive Engineer,
Greater Chennai Corporation,
Unit-09, Erukkancheri,
Chennai-600 118.

4. The Assistant Engineer,
Greater Chennai Corporation,
Division-34, Kodungaiyur,
Chennai-600 118.

+2cc to Mr.P.Arumugavel, Advocate, S.R.No.23927

+1cc to Mr.K.Rajashrinivas, Advocate, S.R.No.24648

+1cc to the Government Pleader, S.R.No.24530

W.P.No.8703 of 2022

KK(CO)
RGA(25/04/2022)