



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM

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

W.P.No.10980 of 2022 and W.M.P. No.10564 of 2022

K.Loganathan

... Petitioner

VS

1. The Secretary to the Government,
Housing and Urban Development,
Fort St. George,
Chennai-600 009.
2. The Commissioner,
Greater Chennai Corporation,
Chennai.
3. The Assistant Executive Engineer,
Greater Chennai Corporation,
Division 149, Zone XI,
Nakeeran Street,
Alwarthirunagar,
Chennai - 600 087.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents 2 and 3 to de-seal the petitioner premises situated at Door No.46/1B, Ground floor, Valasarawalkkam, B.V.R.Nagar, comprised in Old S.No.1/3, New S.No.1/3A Plot No.33A and further direct the first respondent to dispose of the appeal filed by the petitioner dated 19.04.2022 which is pending before the first respondent.

For Petitioner : Mr.J.Ramesh

For Respondents : Mr.K.V.Sajeev Kumar,
Special Government Pleader for R1

Mr.K.Raja Shrinivas,
Standing Counsel for Corporation
for R2 and R3



ORDER

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

The petitioner has come to this Court with this writ petition seeking a direction to respondents 2 and 3 to de-seal his premises, situated at Door No.46/1B, Ground floor, Valasarawalkkam, B.V.R.Nagar, comprised in Old S.No.1/3, New S.No.1/3A, Plot No.33A and to dispose of his appeal dated 19.04.2022, which is pending before the first respondent.

2.Learned counsel appearing for the petitioner submitted that the petitioner has been running a medical shop in the name and style of 'Health Point Pharmacy' and another portion of small shop, which is rented to an orthopedic clinic. Learned counsel for the petitioner further submitted that though the petitioner applied for approval in order to put up permanent construction in the above premises, the authorities rejected the same. Therefore, the petitioner approached the CMDA authorities, who have informed that for the steel shed, no such approval is required. Thereafter, when the petitioner was badly affected during Covid 19 pandemic situation, the third respondent issued a notice dated 14.12.2021 calling for approved plan and lock and seal and demolition notice under Sections 56(2(A)) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 dated 10.01.2022 and Stop Work Notice dated 27.12.2021. Therefore, the petitioner preferred an Appeal/Revision under Section 80-A of the above Act before the Secretary to Government, Housing and Urban Development, Chennai, the first respondent herein. When the said Appeal/revision is pending before the first respondent, the respondents have sealed the premises on 19.04.2021. Therefore, the petitioner is before this Court.

3.Heard both sides.

4.When the Appeal/Revision filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 by the petitioner is pending before the first respondent for consideration, the petitioner, apprehending that coercive steps would be taken against him by the respondents, has come to this Court to get an interim relief. Since we are not inclined to pass any interim order against the violators and no case is made out, therefore, this writ petition is liable to be dismissed. Accordingly, this writ petition stands dismissed granting liberty to the petitioner to work out his remedy in the manner known to law. Consequently, W.M.P. No.10564 of 2022 stands closed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//



1. The Secretary to the Government,
Housing and Urban Development,
Fort St. George,
Chennai-600 009.
2. The Commissioner,
Greater Chennai Corporation,
Chennai.
3. The Assistant Executive Engineer,
Greater Chennai Corporation,
Division 149, Zone XI,
Nakeeran Street,
Alwarthirunagar,
Chennai - 600 087.

+1cc to Mr.K.Raja Shrinivas, Advocate SR. No. 29511
+1cc to Government Pleader, SR. No.29409

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SKM (CO)
PR (16/05/2022)