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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR.JUSTICE R.MAHADEVAN

AND

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.No.12134 of 2022

and

WMP.No.11574 of 2022

V.Viswanathan

.. Petitioner

Vs.

1. The Secretary

Housing Urban Development Department
Secretariat, Fort St.George
Chennai - 600 009.

2. The Commissioner

Corporation of Chennai
Ripon Building
Chennai - 600 003.

3. The Executive Engineer

Zone-13, Executive Engineer's Office
TP (Enforcement)
Regional Joint Commissioner South
115, Dr.Muthulakshmi Salai
Adayar, Chennai - 600 020.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to initiate the appeal filed by the petitioner dated 05.04.2022 under Sections 79 and 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and dispose the same within a time to be stipulated by this Hon'ble Court and a consequential direction directing the third respondent herein to de-seal and de-lock the locked premises, pending disposal of the said appeal filed under Section 80-A of the Act.

For Petitioner

: Mr.V.Ramanareddy



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For Respondents

: Mr.M.Bindran
Additional Government
Pleader for R1

Mrs.C.Vaitheeswari
for R2 and R3

ORDER

(Order of the Court was made by R.Mahadevan,J)

Mr.M.Bindran, learned Additional Government Pleader accepts notice for the first respondent. Mrs.C.Vaitheeswari, learned Standing Counsel accepts notice for respondents 2 and 3.

2. We have heard the learned counsel for the respective parties.

3. According to the petitioner, he is the absolute owner of the property in Door No.A/4, Thiruvallur Nagar 5th Avenue, Besant Nagar, Chennai- 600 090, Div -176, Zone -13. While so, the third respondent has issued a de-occupation notice dated 03.01.2022 stating that the building in the said property, is an unauthorised one as lock and seal notice dated 17.03.2015 has already been served on the petitioner. Consequently, he and his family members were thrown away from the dwelling house on 02.02.2022. Aggrieved over the same, the petitioner preferred an appeal on 05.04.2022 under section 79 and 80A of the Tamil Nadu Town and Country Planning Act, 1971, before the first respondent, Secretary to the Government, Housing and Urban Development Department, Chennai, along with stay application, as against the de-occupation notice dated 03.01.2022 and subsequent lock and seal that took place on 02.02.2022. However, the said appeal was not considered by the first respondent till date. Therefore, the petitioner has come up with this writ petition seeking a mandamus to the first respondent to take up the appeal and dispose of the same, within a time frame to be stipulated by this court and consequently, direct the third respondent to de-seal and de-lock the subject premises pending disposal of the said appeal.

4.Considering the limited nature of the relief sought herein, we direct the first respondent to first consider the stay application filed by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order; and thereafter, dispose of the appeal filed by the petitioner, within a period of eight weeks, after affording an opportunity of hearing to the petitioner.

5.This writ petition stands disposed of in the above terms.



No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar/
Vacation Officer

//True Copy//

Sub Assistant Registrar

Rs

To:

1. The Secretary
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Chennai - 600 009.
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+1cc to Mr.V.Ramana Reddy, Advocate, S.R.No.31094

W.P.No.12134 of 2022

SPD(CO)

GN(25/05/2022)