

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P. NOS.13160, 13173 TO 13175 & 13178 OF 2022
AND W.M.P. NOS.12500 TO 12502, 12507 TO 12512,
12515 TO 12517 AND 12519 TO 12521 OF 2022

R.Rathikumari

.. Petitioner in W.P.No.13160 of 2022

S.Stephen Raj

.. Petitioner in W.P.No.13173 of 2022

Malathy Balasubramanian
represented by
Power of Attorney
Balasubramanian

.. Petitioner in W.P.No.13174 of 2022

S.Kalpana

.. Petitioner in W.P.No.13175 of 2022

G.Saminath
represented by
Power of Attorney J.Ramya

.. Petitioner in W.P.No.13178 of 2022

-vs-

1. The Assistant Engineer (Division 189),
No.1, Thulukathamman Koil Street,
Pallikaranai, Chennai-600 100.
2. The Assistant Executive Engineer (Unit 43),
No.6/64, Puzhuthivakkam Main Road,
Chennai - 600 100.
3. The Executive Engineer (Zone-14),
No.6/64, Puzhuthivakkam Main Road,
Chennai - 600 100.

.. Respondents in all cases

Prayer in all cases: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in Impugned De-Occupation Notice (Letter No.189/0001/2022) dated 02.05.2022 issued by the respondents and quash the same as arbitrary and illegal and devoid of merits and direct the respondents to release the property purchased by the petitioners - F-3, S-3, S-2, F-2 and S-1, Keerthi's Vanchi, Plot No.19, Arumugam Nagar, 2nd Street, IIT Colony, Pallikaranai, Chennai-600 100 pursuant to the Construction Agreement registered as Doc. Nos.4264/2021, 9932/2020, 7702/2020, 8708/2020 and 6985/2019, and Sale Deed registered as Doc. Nos.4265/2021, 9933/2020, 7705/2020, 8709/2020 and 6986/2019 in the Sub-Registrar Office of Saidapet Joint - I, from the proceedings initiated by the respondents and all acts done in furtherance thereof.

For Petitioners in all cases : Ms.R.Prem Raja Kumari

For Respondents in all cases : Mr.M.Ganesan,
Standing Counsel

COMMON ORDER

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

The writ petitions have been filed, challenging the impugned De-Occupation Notice (Letter No.189/0001/2022) dated 02.05.2022 issued by the respondents and seeking a direction to the respondents to release the property purchased by the petitioners, namely, F-3, S-3, S-2, F-2 and S-1, Keerthi's Vanchi, Plot No.19, Arumugam Nagar, 2nd Street, IIT Colony, Pallikaranai, Chennai-600 100, pursuant to the Construction Agreement registered as Doc. Nos.4264/2021, 9932/2020, 7702/2020, 8708/2020 and 6985/2019, and Sale Deed registered as Doc. Nos.4265/2021, 9933/2020, 7705/2020, 8709/2020 and 6986/2019 in the Sub-Registrar Office of Saidapet Joint - I.

2.When the matters are taken up for hearing, learned Standing Counsel appearing for the respondents submitted that although against the lock and seal and de-occupation notice dated 02.05.2022 issued to the petitioners, a Special Revision/Appeal filed by the petitioners under Section 80-A of the Tamil Nadu Town and Country Planning Act is posted for hearing on 07.07.2022, the building in question has been locked and sealed.

3.In view of the submission made by the learned Standing Counsel appearing for the respondents that the building in question has been locked and sealed, it is for the petitioners

to work out their remedy before the appropriate forum, where the Special Revision/Appeal filed by the petitioners under Section 80-A of the Tamil Nadu Town and Country Planning Act are pending for consideration.

4. With the above observation, these writ petitions stand closed. Consequently, connected W.M.Ps are closed. However, there is no order as to costs.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Assistant Engineer (Division 189),
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2. The Assistant Executive Engineer (Unit 43),
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3. The Executive Engineer (Zone-14),
No.6/64, Puzhuthivakkam Main Road,
Chennai - 600 100.

+2ccs to M/s.R.Prem Raja Kumari, Advocate, S.R.No.42451

+1cc to Mr.M.Ganesan, Standing Counsel for Greater Chennai Corporation, S.R.No.41852

W.P.Nos.13160, 13173 to 13175 & 13178 of 2022
and W.M.P. Nos.12500 to 12502, 12507 to 12512,
12515 to 12517 and 12519 to 12521 of 2022

CA(CO)
RLP(28/07/2022)