



WEB COPY



W.P.No.14519 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

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

W.P.No.14519 of 2022
and WMP.No.13719 of 2022

M.S.Seyed Ismail

...petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Park Town, Chennai 600003.
2. The Executive Engineer,
Zone 5,
Greater Chennai Corporation,
Rippon Building,
Park Town, Chennai 600003.
3. The Assistant Executive Engineer,
Unit 14, Zone-5,
Greater Chennai Corporation,
No.2, Adhikesavalu Street,
Chintadripet, Chennai 600002.
4. The Assistant Engineer,
Division-061, Unit-14, Zone-5,
Greater Chennai Corporation,
No.23, Driver Street,
Pudupet, Chennai 600 002.



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5. The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Secretariat, Chennai 600009.

...respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from any manner interfering with the peaceful possession and enjoyment of the petitioner's property at Door No.95/70, Egmore High Road, Chennai 600008, pending disposal of the stay petition along with Revision Petition filed on 26.04.2022 before the fifth respondent.

For petitioner	: Mr.N.A.Nissar Ahmed
For respondents	
for R1 to R4	: Mr.K.Raja Shriniavas, Standing Counsel for Corporation
for R5	: Mr.K.V.Sajeev Kumar, Spl.G.P.

ORDER

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

The petitioner has come up with this Writ Petition for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from any manner interfering with the peaceful possession and enjoyment of the petitioner's property at Door No.95/70, Egmore High Road, Chennai 600008, pending disposal of the stay petition along with Revision Petition filed on 26.04.2022 before the fifth respondent.



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2. Mr.N.A.Nissar Ahmed, learned counsel for the petitioner submitted that the petitioner is the owner of the property bearing Door No.95/70 at Egmore High Road, Egmore, Chennai. After obtaining planning permission from the Greater Chennai Corporation in the year 2017, he put up construction in accordance with the plan. However, the second respondent issued locking and sealing and demolition notice dated 13.04.2022 alleging deviation. Challenging the same, the petitioner filed appeal/special revision under Section 80-A of the Town and Country Planning Act along with stay petition. The second respondent, without considering the same, now issued the de-occupation notice dated 30.05.2022. Hence, the petitioner once again filed special revision before the first respondent on 07.06.2022.

3. Mr.K.Raja Shrinivas, learned Standing Counsel appearing for the respondents 1 to 4 submitted that the officials of the respondent Corporation found certain deviation in the petitioner's building. Hence, locking and sealing and demolition notice was issued on 13.04.2022 and subsequently, de-occupation notice was issued on 30.05.2022.



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4. Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the fifth respondent submitted that the appeal/special revision preferred by the petitioner is pending for consideration before the fifth respondent and he is ready to pass orders in accordance with law.

5. In the light of the submissions of the learned counsels appearing on either side and also considering the limited scope of the prayer sought for in the Writ Petition, this Court without going in to the merits of the matter, directs the fifth respondent to dispose of the appeal and the stay petition preferred by the petitioner under Section 80-A of the Town and Country Planning Act, on merits and in accordance with law, after affording ample opportunity to the necessary parties, within a period of three months. Till then, the parties are directed to maintain *status quo* as on today.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(T.R.J.) (K.B.J.)
13.06.2022

Index : Yes / No
Speaking order: Yes/No
pvs



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