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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.25458 of 2021

N.R.Kumaraguru

...Petitioner

Vs.

1. The Principal Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The Additional Secretary, (Technical),
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
3. The Commissioner,
Greater Chennai Corporation,
Ribbon Building, Chennai 600 003.
4. The Executive Engineer, (Zone-V),
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 600 021.
5. The Executive Officer,
Arulmighu Sri Kandhasamy @ Kanthakottam,
Sri Muthukumara Devasthanam,
No.44, Rasappa Chetty Street,
Park Town, Chennai 600 003.

6.S.Varalakshmi Srinivasan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st and 4th respondent to implement the orders in Ref. Letter No.2376/UD-VI(1)/2021-4 dated 24.08.2021 passed by the second respondent as claimed by the petitioner in the legal representation dated 09.11.2021 and in a time bound period.



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For petitioner : Mr.K.Mohana Murali

For respondents: Mr.K.V.Sajeev Kumar
Spl. Govt. Pleader (for R1 & R2)

Mr.K.Raja Shrinivas
Senior Standing Counsel (for R3 & R4)

Mr.R.Bharanidharan (for R5)

Mr.A.Palaniappan (for R6)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

Heard Mr.K.Mohanamurali, learned counsel appearing for the petitioner, Mr.K.V.Sajeevkumar, learned Special Government Pleader appearing for the respondents 1 and 2, Mr.K.Raja Shirinivas, learned Senior Standing Counsel appearing for the respondents 3 and 4, Mr.R.Bharanidharan, learned counsel appearing for the 5th respondent, Mr.A.Palaniappan, learned counsel appearing for the 6th respondent and perused the materials available on record.

2.This writ petition has been filed seeking a direction to the respondents 1 and 4 to implement the orders in Ref. Letter No.2376/UD-VI(1)/2021-4 dated 24.08.2021 passed by the second respondent and based on the representation of the petitioner, dated 09.11.2021.

3.The case of the petitioner is that the fifth respondent had put up unauthorised construction to an extent of 400 sq.ft at No.136, Rasappa Chetty Street, Chennai - 600 003. It appears that the officials of the Greater Chennai Corporation had issued lock & seal and demolition notice. Challenging the same, the fifth respondent has preferred special revision before the first respondent and the said special revision was disposed of on 24.08.2021 by the second respondent with the following direction:-

"16.Hence, the appeal filed by the appellant Sri Muthukumaraswamy Devasthanam known as Kandakottam, Rep. by its Executive Officer under Section 80(A) of Tamil Nadu Town and Country Planning Act, 1971 to the Government against the De-occupation Notice No.05/04010/2021 dated 01.02.2021 for the building put up at No.136, Rasappa (C) Street, Park Town, Chennai - 600 003 is rejected and



Greater Chennai Corporation is directed to pursue necessary enforcement action on the said unauthorised structures."

4.It is the submission of the learned counsel for the petitioner that the order passed by the second respondent dated 24.08.2021 was not implemented by the officials of the Greater Chennai Corporation.

5.The learned Senior Standing Counsel appearing for the Greater Chennai Corporation Mr.K.Raja Shirinivas would submit that after disposal of the special revision preferred by the fifth respondent, the building was closed and sealed on 01.11.2021.

6.In reply, the learned counsel for the petitioner Mr.K.Mohana Murali would argue that mere lock and seal would not be satisfied the order of the second respondent and they have to demolish the entire building.

7.Mr.R.Bharanidharan, learned counsel appearing for the fifth respondent would state that regularization application has been submitted by the fifth respondent on 18.10.2021 and Rs.2,70,401/- has been paid, but so far no action is taken on the regularization application.

8.Mr.A.Palaniappan, learned counsel appearing for the 6th respondent would submit that the 6th respondent was tenant under the 5th respondent and his entire materials are kept in the premises in dispute, however, due to the lock and seal put up by the officials of the Greater Chennai Corporation, the articles could not be removed.

9.The learned Senior Standing Counsel appearing for the respondents 3 and 4 would state that the fourth respondent is ready to de-seal the premises for a period of three days to enable the sixth respondent to remove the articles.

10.Considering the facts and circumstances of the case and also considering the fact that the regularization application is pending, the respondents shall maintain status quo as on date and depending upon the order passed by the first respondent on the regularization application submitted by the fifth respondent dated 18.10.2021, further action can be taken by the fourth respondent. Further, the fourth respondent is directed to de-seal the premises from 19.01.2022 to 21.01.2022 to enable the 6th respondent to remove her articles.



11. With the above observation, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Principal Secretary,
Housing and Urban Development Department,
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2. The Additional Secretary, (Technical),
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Sri Muthukumara Devasthanam,
No.44, Rasappa Chetty Street,
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+1 CC to The Government Pleader sr 2030
+1 CC to Mr.K. Mohana Murali, Advocate sr 1005
+1 CC to Mr.R. Karthikeyan, Advocate sr 1049
+1 CC to Mr.A.Palaniappan, Advocate sr 1051.

W.P.No.25458 of 2021

NRJK(CO)
SP(12/01/2022)