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W.P.No.29837 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.29837 of 2022
and
W.M.P.No.29226 of 2022

S.Kumarasan (Minor)
Represented by his father and
Natural Guardian Sarawanamoorthy

...Petitioner

Vs.

- 1.The Commissioner, Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.
- 2.The Assistant Executive Engineer,
Zone – 7 Ward No.79,
Chennai Corporation,
Ambattur, Chennai – 600 053.
- 3.The Assistant Engineer,
Zone – 7, Ward No.79,
Bank Street, Rakki Theatre Back Side,
Chennai Corporation,
Ambattur, Chennai – 600 053.



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- 4.The CMDA,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 5.The Executive Engineer (O&M),
TANGEDCO
S.S.Complex, Ambit Park Road,
Near Industrial Estate Police Station,
Ambattur Industrial Estate,
Chennai – 600 058.
- 6.The Assistant Executive Engineer (O&M),
TANGEDCO,
Redhills Road, Banu Nagar, Pudhur,
Near N.K.Mahal, Ambattur, Chennai – 600 053.
- 7.The Assistant Engineer (O&M),
TANGEDCO,
Bank Street, Rakki Theatre Back Side,
Chennai Corporation, Ambattur, Chennai.
- 8.Karunanithi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 08.12.2021 to regularize the unauthorized construction of 213 sq.ft at Door No.21/9, Redhills Perambur High Road, in Survey No.603/2A4A of Ambattur Village.



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For Petitioner : Dr.R.Sampathkumar

For Respondents : Mr.D.B.R.Prabhu,
Standing Counsel for R1 to R3

Mr.C.N.Vinobha,
Standing Counsel for R4

Mr.L.Jaivenkatesh,
Standing Counsel for R5 to R7

ORDER

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

The petitioner challenges the action of the Corporation in locking and sealing of the building which measures about 213 sq.ft. The entire dispute seems to stem out of a personal hatred between the petitioner and his sister's husband one R.Karunanidhi viz., the 8th respondent herein.

2. Dr.R.Sampathkumar, learned counsel appearing for the petitioner has produced a copy of the special revision filed by him under Section 80A of the Tamil Nadu Town and Country Planning Act.



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3. Considering the pendency of the special revision and the fact that the entire violation is about 213 sq.ft, we do not see any justification for locking and sealing the premises. Hence, while directing the Government to dispose of the revision filed by the petitioner under Section 80A expeditiously, we direct the Corporation to remove the lock and seal and await disposal of the revision filed under Section 80A for further action.

4. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
28.11.2022

dsa

Index : No
Internet : Yes
Speaking order

Note:-Issue order copy by 29.11.2022.



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