



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.28447 OF 2019 AND WMP.NO.28142 OF 2019

R.Ramesh

... Petitioner

-vs-

1. The State of Tamil Nadu
rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai-600 003.
3. The Executive Engineer,
Zone-VI, Greater Chennai Corporation,
No.5, Anderson Road, Ayanavaram,
Chennai-600 023.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 from locking and sealing the property of the petitioner at No.15/5, Neels Garden 2nd Street, Perambur, Chennai-600 011, pending disposal of the Appeal dated 19.07.2019 filed by the petitioner before the 1st respondent.

For Petitioner : Mr.AR.Karthik Lakshmanan

For 1st Respondent : Mr.K.V.Sajeev Kumar
Spl.G.P.

For respondents : Mr.K.Raja Shrinivas
2 and 3



ORDER

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

This Writ Petition has been filed seeking to issue a Writ of Mandamus, forbearing the respondents 2 and 3 from locking and sealing the property of the petitioner at No.15/5, Neels Garden 2nd Street, Perambur, Chennai-600 011, pending disposal of the Appeal dated 19.07.2019 filed by the petitioner before the 1st respondent.

2. When the matter was taken up today, The Executive Engineer, Zone-VI, Greater Chennai Corporation, No.5 Anderson Road, Ayanavaram, Chennai-600 023, the third respondent herein has filed a counter affidavit stating that the prayer in the Writ Petition has become infructuous for the reason that the appeal filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the 1st respondent has been disposed of by an order dated 30.10.2019 and the petitioner has also conveyed his willingness to rectify the defects and to obtain a revised planning permission and accordingly, 3 months time is given to rectify the defects. Therefore, the building was desealed for 3 months to comply with certain conditions imposed therein. Now as per the directions issued by the 1st respondent, the petitioner has demolished the deviated portion at No.15/5, Neels Garden 2nd Street, Perambur, Chennai-600 011 and restored the building as per the approved plan.

3. Learned Special Government Pleader for the 1st respondent would also submit that the appeal has been disposed of with certain conditions thereby granting 3 months time to the petitioner to rectify the defects and accordingly, the rectification has also been done, therefore, the Writ Petition may be closed as infructuous.

4. Recording the same, the Writ Petition is closed as infructuous. No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai-600 003.
3. The Executive Engineer,
Zone-VI, Greater Chennai Corporation,
No.5, Anderson Road, Ayanavaram,
Chennai-600 023.

+1cc to Mr.A.L.Ganthimathi, Advocate, S.R.No.16481

W.P.No.28447 of 2019

PMK (CO)
PM/23/03/2022