



W.P.No.29969 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

CORAM:

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

W.P.No.29969 of 2022
and
W.M.P.No.29380 of 2022

Usha Sharma

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

2.The Assistant Executive Engineer,
Unit-40, Kotturpuram,
Chennai – 600 085.

3.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai – 09.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, forbearing the 2nd respondent from taking any coercive action to evict / demolish the flat in the third Floor,



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Akshaya Apartment, No.16/4, Karunanidhi 3rd Street, Kotturpuram, Chennai – 600 085, till the disposal of the statutory appeal filed under Section 80-A of the Town and Country Planning Act.

For Petitioner : Mr.J.Balagopal
For Respondents : Mr.D.B.R.Prabhu for R1 & R2
Mr.Vadivelu Deenadayalan
Additional Government Pleader for R3

ORDER

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

The prayer in the Writ Petition reads as follows:-

forbearing the 2nd respondent from taking any coercive action to evict / demolish the flat in the third Floor, Akshaya Apartment, No.16/4, Karunanidhi 3rd Street, Kotturpuram, Chennai – 600 085, till the disposal of the statutory appeal filed under Section 80-A of the Town and Country Planning Act.

2.Admittedly, statutory appeal filed under Section 80-A of the Town and Country Planning Act is pending before the Government. In such circumstances, we do not see any reason to direct de-sealing of the building, which is admittedly in violation of the planning permission granted.

3.Hence, this Writ Petition is dismissed. No costs. Consequently,



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connected miscellaneous petition is closed.

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(R.S.M.,J.) (K.B.,J.)
30.11.2022

kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To:-

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KKN

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