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W.P.No.33352 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.33352 of 2022 and

W.M.P.No.32783 of 2022

Dr.R.Shanmugapriya

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai – 600 008.

3.The Commissioner,
Tambaram City Municipal Corporation,
Tambaram, Chennai.

4.The Appellate Authority,
Tambaram City Municipal Corporation,
Tambaram, Chennai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the Respondents from taking any coercive action against the petitioner by



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locking and sealing of the premises or demolishing the building or any part of the building of the petitioner at Door No.203/9A2 and 203/9B2, 200 Feet Radial Road, Jamin Pallavaram, Chennai, pending disposal of the Appeal filed under Section 452(1) of the Coimbatore City Municipal Corporation Act read with the Tambaram City Municipal Corporation Act before the 4th Respondent herein on 23.11.2022 against the proceedings of the 3rd Respondent herein dated 14.11.2022 in No.009/CP/22-23/0029690.

For Petitioner : Ms.A.L.Ganthimathi

For RR 1, 3 & 4 : Mr.E.Vijay Anand
Additional Government Pleader

For R2 : Mr.C.N.Vinobha
Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition forbearing the respondents from taking any coercive action against the petitioner by locking and sealing of the premises or demolishing the building or any part of the building of the petitioner at Door No.203/9A2 and 203/9B2, 200 Feet Radial Road, Jamin Pallavaram, Chennai, pending disposal of the Appeal filed under Section 452(1) of the Coimbatore City Municipal Corporation Act read with the Tambaram



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City Municipal Corporation Act before the 4th respondent herein on 23.11.2022 against the proceedings of the 3rd respondent herein dated 14.11.2022 in No.009/CP/22-23/0029690.

2.Mr.E.Vijay Anand, learned Additional Government Pleader takes notice for the respondents 1, 3 & 4 and Mr.C.N.Vinobha, learned Standing Counsel takes notice for the 2nd respondent.

3.By consent of learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for respondents 1, 3 & 4 and the learned Standing Counsel appearing for the 2nd respondent, this Writ Petition is taken up for final disposal at the admission stage itself.

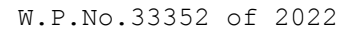
4.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for respondents 1, 3 & 4 and the learned Standing Counsel appearing for the 2nd respondent and perused the entire materials on record.

5.The petitioner is the owner of the property situate at Door



No.203/9A-2, 203/9B-2 in Ward No.18, 200 Feet Radial Road, Zamin Pallavaram, Chennai – 600 043. After obtaining building approval, the petitioner has put up super structure. Admittedly, the petitioner had put up additional construction without obtaining permission. The authorities took steps for sealing the premises and took steps for demolishing the unauthorized construction. The petitioner filed appeal before the 1st respondent and the 1st respondent granted time till 13.07.2022 for demolishing the deviated portion. The petitioner could not complete the demolition within the time limit granted by the 1st respondent. On application filed by the petitioner, the 1st respondent granted time till 14.12.2022 to demolish the deviated portion. Except for minor deviation, the petitioner has demolished and rectified the deviated construction and completely closed down the basement.

6.The learned counsel appearing for the petitioner further submitted that after rectification, the petitioner has given fresh application for approval for minor deviation to the 3rd respondent and also filed application for stay of the order. The 3rd respondent has rejected the application filed by the petitioner. Thereafter, the petitioner has filed an appeal before the 4th respondent and has come out with the present



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R.HEMALATHA, J.

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To

- 1.The Government of Tamil Nadu,
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