



WEB COPY



W.P.No.34425 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.34425 of 2022

K.Ranganathan

.. Petitioner

Vs.

1.The Secretary to Government
Housing and Urban Development Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.

3.The Executive Engineer,
Zone – XII, Division – 161,
Greater Chennai Corporation,
Alandur, Chennai 600 016.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 2 and 3 from taking any coercive action of locking and sealing of the building Door No: 10/84-B, Railway Station Road,



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Alandur, Chennai 600 016, measuring an extent of 151 Sq.Ft., pending the disposal of the Revision dated 08.12.2022 filed under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971 pending on the file of the 1st Respondent.

For Petitioner : Mr.V.C.Selvasekaran
For R1 : Mr.R.Vigneshwaran
Government Advocate
For R2 and R3 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

The present writ petition is filed for a direction to the respondents 2 and 3 from taking any coercive action of locking and sealing of the building Door No: 10/84-B, Railway Station Road, Alandur, Chennai 600 016, measuring an extent of 151 Sq.Ft., pending the disposal of the revision dated 08.12.2022 filed under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971 pending on the file of the 1st Respondent.

2. By consent of both the learned counsel appearing for the petitioner, Mr.R.Vigneshwaran, learned Government Advocate, who takes



notice for the 1st respondent and Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the 2nd and 3rd respondents, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the 1st respondent as well as the learned Standing Counsel appearing for the 2nd and 3rd respondents and perused the entire materials on record.

4. According to the petitioner, originally the property in question was owned by one B.T.Megavarman measuring to an extent of 868 sq.ft. The Chennai Metro Rail Limited acquired the said land measuring to an extent of 717 sq.ft., and paid compensation to the said B.T.Megavarman and the petitioner purchased the remaining extent of 151 sq.ft from said B.T.Megavarman and after the demolition and acquisition made by CMRL, the Government allowed the land owners to construct the remaining property as per their wish. The property in question is only for renovation of the existing building and the petitioner approached the 3rd respondent for approval for the construction. The 3rd respondent informed the petitioner orally that no approval can be granted for the minimum extent of the land. While so, one Pauline Jannet, who is neighbour of the



petitioner's property, gave a complaint to the respondents 2 and 3 alleging that the petitioner constructed building without obtaining any approval.

Based on the said complaint, the 2nd respondent/Corporation has issued lock and seal notice to the petitioner and initiated action against the petitioner. Challenging the said notice, the petitioner has filed Special Revision dated 24.02.2021 before the 1st respondent and also filed writ petition in W.P.No.5549 of 2021 challenging the Lock and Seal and Demolition Notice dated 22.02.2021. The said writ petition was disposed of by the order dated 08.03.2021 and the observation of this Court reads as follows:-

“(8) This Court, taking into consideration the above facts and circumstances and without going into the claim projected by the petitioner, either in the special revision/appeal or in this writ petition, directs the 1st respondent to entertain the special revision/appeal, if the papers are otherwise in order and shall take up the prayer for the interim relief at the first instance and give a disposal in accordance with law within a period of four weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner and till such time, respondents 3 to 5 shall defer further decision in terms of the impugned notice. It is made clear that the petitioner, till



the disposal of the appeal/special revision, shall not create any third party rights in respect of the land and superstructure in question. It is also open to the respondents 3 to 5 to cause inspection of any encroachment / unauthorised construction in respect of the superstructures existing in the Railway Station Road, Alandur, Chennai-16 and if the result of the inspection reveals any infraction, it is always open to them to initiate action in accordance with law and complete the said exercise as expeditiously as possible.”

5. As per the order of this Court, the 1st respondent by the order dated 03.03.2022 set aside the notice dated 22.02.2021 issued by the 2nd respondent/Corporation and directed to issue revised notice by giving sufficient time for filing reply. Pursuant to the order of the 1st respondent, the 3rd respondent/Corporation initiated further proceedings by issuing fresh notice dated 22.04.2022 calling upon the approved plan.

6. The learned counsel appearing for the petitioner submitted that the petitioner has filed revision dated 08.12.2022 under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971 before the 1st respondent challenging the said order. Pending the said revision, the



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respondents 2nd and 3rd are taking coercive steps to demolish the construction put up by the petitioner. In such circumstances, the petitioner has come out with the present writ petition.

7. Considering the nature of relief sought for in the writ petition, the 1st respondent is directed to dispose of the revision dated 08.12.2022 filed by the petitioner, within a period of three months from the date of receipt of a copy of this order. Till such time, the respondents 2 and 3 are restrained from taking any coercive action against the petitioner.

8. With the above direction, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
23.12.2022

Index : Yes / No
Internet : Yes / No
dm



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To

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