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W.P.No.948 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

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

W.P.No.948 of 2023

M.Mohamed Zaki

.. Petitioner

Vs.

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

2.The Executive Engineer
Zone-VIII, Greater Chennai Corporation
No.36-B/12-B, Pulla Avenue,
Shenoy Nagar, Chennai – 600 030.

3.The Assistant Engineer,
Unit-23, Division-101,
No.36-B/12-B, Pulla Avenue,
Shenoy Nagar, Chennai – 600 030.

.. 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.85, New Door No.351/1-1, (85-1) Gujji Main Road, Anna Nagar East, Chennai-600 102, pending the disposal of



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the Revision dated 03.01.2023 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 : Ms.R.L.Karthika
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 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.85, New Door No.351/1-1, (85-1) Gujji Main Road, Anna Nagar East, Chennai-600 102, pending the disposal of the Revision dated 03.01.2023 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, Ms.R.L.Karthika, learned Government Advocate, who takes notice for the 1st respondent as well as Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the respondents 2 and 3, the writ petition is taken up for final disposal at the stage of admission itself.



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3. Heard the learned counsel appearing for the petitioner, Ms.R.L.Karthika, learned Government Advocate appearing for the 1st respondent as well as Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the respondents 2 and 3 and perused the entire materials on record.

4. The learned counsel appearing for the petitioner submitted that the petitioner purchased the property situated at Old Door No.85, New Door No.351/1-1, (85-1) Gujji Main Road, Anna Nagar East, Chennai-600 102 by the Sale Deed dated 16.03.2022. The petitioner's vendor obtained building permission for construction of ground + first floor. But he has constructed ground+first, second, third and fourth floors part in the year 2008. After 14 years, the 2nd respondent has issued notice dated 29.07.2022 calling upon the petitioner to produce the approved plan. The petitioner also produced the approved plan before the authorities. Without considering the same, the 2nd respondent has issued locking and sealing notice dated 08.12.2022 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 to the petitioner. Challenging the said notice, the petitioner has filed a revision under Section 80-A of the Tamil Nadu Town and Country



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Planning Act, 1971 before the 1st respondent. Since no order has been passed by the 1st respondent, the petitioner has come out with the present writ petition for the above stated relief.

5. Considering the above submissions of the learned counsel appearing for the petitioner and without deciding the issue on merits, the 1st respondent is directed to dispose of the revision filed by the petitioner dated 03.01.2023 as expeditiously as possible in any event 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 steps against the petitioners.

6. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
12.01.2023

Index : Yes / No
Neutral Citation : Yes / No
dm



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To

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