



WEB COPY



W.P.No.4911 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.4911 of 2023
and W.M.P.No.4925 of 2023

T.Moorthy

.. Petitioner

Vs.

1.The Secretary to the Government
Housing & Urban Development Department
Fort George, Chennai-600 009.

2.The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai-600 001.

3.The Executive Engineer
Zone – IX
The Greater Chennai Corporation
Rippon Building
Chennai-600 001.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to consider and pass orders in the Appeal petition filed under



W.P.No.4911 of 2023

the Town & Country Planning Act dated 24.01.2023 filed by the petitioner challenging the locking & sealing and demolition notice bearing Notice No.10/01036/2022 dated 26.09.2022 issued by the 3rd respondent under Section 57 read with Section 85 of Town and Country Planning Act, 1971 pertaining to the subject property situated at No.12/33, Alagiri Nagar Main Road, Vadapalani, Chennai-600 026 and consequently, forbear all further proceedings of the respondents from initiating any coercive action of locking and sealing for the subject property pending disposal of the petitioner's appeal petition before the 1st respondent.

For Petitioner : Mr.L.Chandrakumar

For R1 : Mrs.R.L.Karthika
Government Advocate

For R2 & R3 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

The petitioner has come out with the present writ petition for a direction to the 1st respondent to consider and pass orders in the Appeal filed under the Town & Country Planning Act dated 24.01.2023 filed by



the petitioner challenging the locking & sealing and demolition notice dated 26.09.2022 issued by the 3rd respondent and consequently, forbear all further proceedings of the respondents from initiating any coercive action of locking and sealing for the subject property pending disposal of the petitioner's appeal before the 1st respondent.

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

3.According to the petitioner, he is owner of the property situated at No.12/33, Alagiri Nagar Main Road, Vadapalani, Chennai-600 026 which was constructed 30 years ago and is living in the said premises for more than 30 years along with his family. Since it is an old building, the petitioner had carried out renovation work for ensuring the stability of the building. Due to previous enmity, one Saagaguna, has lodged a complaint against the petitioner. In pursuant to the said complaint, the 3rd respondent issued lock & seal and demolition notice on 26.09.2022 under Sections 56 & 57 read with Section 85 of the Tamil Nadu Town and



W.P.No.4911 of 2023

Country Planning Act, 1971 directing the petitioner to restore the building in accordance with the approved plan. The petitioner has sent a detailed reply to the said notice on 12.10.2022. The 3rd respondent issued De-occupation notice on 31.10.2022 to demolish the unauthorised construction. Therefore, the petitioner has filed appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 on 24.01.2023 challenging the said lock & seal and demolition notice issued by the 3rd respondent and has come out with the present writ petition for the above stated relief.

4.Mrs.R.L.Karthika, learned Government Advocate appearing for the 1st respondent submitted that the 1st respondent will consider the appeal dated 24.01.2023 filed by the petitioner and pass orders within the time limit fixed by this Court.

5.Considering the submissions of the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the 1st respondent and the learned Standing Counsel appearing for the respondents 2 & 3, the 1st respondent is directed to dispose of the appeal filed by the petitioner under Section 80-A of the Tamil Nadu Town and



W.P.No.4911 of 2023

Country Planning Act, dated 24.01.2023, within a period of three months from the date of receipt of a copy of this order. Till such time, the respondents are restrained from taking any coercive steps against the petitioner.

6. With the above directions, the Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

(V.M.V., J) (R.H., J)
23.02.2023

Index : Yes / No

Internet : Yes / No

kj

To

1. The Secretary to the Government
Housing & Urban Development Department
Fort George, Chennai-600 009.

2. The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai-600 001.

3. The Executive Engineer
Zone – IX
The Greater Chennai Corporation
Rippon Building
Chennai-600 001.



WEB COPY



W.P.No.4911 of 2023

**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

Kj

Writ Petition No.4911 of 2023
and W.M.P.No.4925 of 2023

23.02.2023