



W.P.No.4649 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.4649 of 2023

AND

W.M.P.Nos.4648 & 4653 of 2023

M.Arun Prasad

.. Petitioner

Vs.

1.The Commissioner
The Greater Chennai Corporation
Rippon Building
Greater Chennai Corporation
Chennai 600 003

2.The Regional Deputy Commissioner-Central
Regional Office (Central)
Greater Chennai Corporation
No.13B/36B, Pulla Avenue
Shenoy Nagar, Chennai 600 030

3.The Zonal Officer-VII
The Greater Chennai Corporation
Zone-VII
Thiruvallur High Road
Ambattur, Chennai 600 053



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4.The Executive Engineer
The Greater Chennai Corporation
Zone-VII, Thiruvallur High Road
Ambattur, Chennai 600 053

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records in Notice No.Z.O.N.H.C. No.105/2022 dated 12.01.2023 on the file of the 1st respondent with respect to the petitioner's building situated in Block No.22, Plot No.2, Survey No.14, D-10 road near railway station, Venkatapuram, Ambattur, Chennai 600 053 and quash the notice and consequently direct the 1st respondent to de-seal the petitioner's building.

For Petitioner : Mr.S.Kamalakaran
for Ms.K.Jayasudha
For Respondents : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

The petitioner has come out with the present writ petition to quash the impugned notice No.Z.O.N.H.C. No.105/2022 dated 12.01.2023 issued by the 1st respondent and for a direction the 1st respondent to de-seal the petitioner's building.



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2. By consent of both the learned counsel appearing for the petitioner as well as Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the respondents, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he is the owner of the land to an extent of 2591 sq.ft. situated in block No.22, plot No.2, Survey No.14, D-10 road near railway station, Venkatapuram, Ambattur. The petitioner, after obtaining planning permission *vide* building plan dated 11.02.2022 from the 4th respondent, started constructing a residential building in the said land and the construction was completed in December 2022 and fixed house warming ceremony on 17.02.2023. While so, on 02.02.2023, the petitioner received an information from the neighbours that a notice was affixed in his building and it was locked and sealed. Hence, the petitioner sent a representation dated 10.02.2023 to the 3rd respondent seeking copies of the inspection report alleged to have been done on 21.05.2022, stop work notice dated 25.05.2022 and the lock and seal notice dated 21.09.2022. Since no



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action has been taken on the said representation, the petitioner has come out with the present writ petition.

4. Learned counsel appearing for the petitioner submitted that the petitioner did not have the knowledge of inspection and no notice was served on him, calling upon to produce the approved plan and planning permission. He further submitted that the action of the respondents are arbitrary and prayed for setting aside of the impugned notice dated 12.01.2023.

5. Learned Standing Counsel appearing for the respondents submitted that the lock and seal order was passed, after issuing the notices dated 25.05.2022 and 21.09.2022 to the petitioner. The petitioner did not produce the approved plan and not complied with the notice. Hence, the impugned order was passed and the property was locked and sealed. If the petitioner is aggrieved, he has an effective alternate remedy of appeal to the Government.



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6. When the matter came up for hearing on 20.02.2023, this Court directed the learned Standing Counsel appearing for the respondents to produce the file before this Court to prove that the notice dated 25.05.2022 was served on the petitioner. Learned Standing Counsel produced the said file today. It is seen from the file that the notice dated 25.05.2022 was received by one A.Mary and she has given her mobile number as 96002 68936. According to the petitioner, he obtained building planning permission on 11.02.2022 from the 4th respondent and completed construction in December 2022. The notice is dated 25.05.2022. During that time, the petitioner was constructing the building. When the said notice was served, one A.Mary, who has received the notice and also furnished her mobile number to the respondent, would have informed the petitioner about the service of notice.

7. The impugned order is passed under Section 56(2A) of the Tamil Nadu Town and Country Planning Act, 1971 and the 4th respondent had locked and sealed the petitioner's premises. On a perusal of the file produced by the learned Standing Counsel, this Court find that no final



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order is available for locking and sealing the premises. In view of the same, the 4th respondent is directed to furnish a copy of the order of locking and sealing of the premises to enable the petitioner to challenge the same before the Government. The petitioner is provided with an alternate remedy of preferring an appeal under Section 80-A of the Act. In view of the availability of the said remedy, the petitioner is granted four weeks time from the date of receipt of a copy of this order, to file an appeal to the Government, challenging the order of locking and sealing the building. If any appeal is filed by the petitioner under Section 80-A of the Act, the Government is directed to consider the same and pass orders in accordance with law.

With the above observation and direction, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(V.M.V.,J.) (V.L.N.,J.)
27.02.2023
(2/2)

Index : Yes/No
Neutral citation : Yes/No
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Tamil Nadu Housing and Urban Development
Secretariat, Chennai



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