



WEB COPY



W.P.No.7278 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2023

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

**W.P.No.7278 of 2023
and W.M.P.No.7328 of 2023**

Shanmugavel

Vs.

.. Petitioner

1. Government of Tamil Nadu
Represented by its Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St. George, Chennai-600 009.

2. The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai-600 003.

3. The Assistant Engineer
Division – 41
JJ nagar near Korukkupet Railway Station
KNS Depot, Korukkupet
Chennai-600 021.

4. The Assistant Executive Engineer
Unit-10, No.266, Thiruvottiyur High Road
Korukkupet, Old Washermanpet
Chennai-600 021.



W.P.No.7278 of 2023

5.The Executive Engineer
Zone-4, No.266
Thiruvottiyur High Road
Korukkupet
Old Washermanpet
Chennai-600 021.

.. Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to forbear the respondents from taking any coercive action pertaining to the petitioner's building situated at No.6/54, Sasthri street, Moopanar nagar, Korukkupet, Chennai pending disposal of the petitioner's appeal dated 26.12.2022 filed before the 1st respondent.

For Petitioner	: Mr.R.Jayaprakash
For R1, R3 to R5	: Mr.A.Selvendran Special Government Pleader
For R2	: Mr.D.B.R.Prabhu Standing Counsel

ORDER

(Order of the Court delivered by V.LAKSHMINARAYANAN, J.)

The petitioner has come out with the present Writ Petition forbearing the respondents from taking any coercive action pertaining to the petitioner's



W.P.No.7278 of 2023

building pending disposal of the petitioner's appeal dated 26.12.2022 filed before the 1st respondent.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondents 1, 3 to 5 and Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the 2nd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. We heard the learned counsel appearing for the petitioner, the learned Special Government Pleader and the learned Standing Counsel appearing for the respondents and carefully perused the material records.

4. The petitioner purchased superstructure on 14.08.2020 from one Arumugam. Since the building was old, he had carried out some repair and alteration works. The respondents 3 to 5 treated the repair work as act of reconstruction and therefore, issued stop work notice on 05.05.2021. It was followed up with lock & seal notice dated 21.06.2021 and de-occupation notice dated 12.12.2022.



W.P.No.7278 of 2023

5. Challenging the same, the Writ Petitioner has approached the 1st

respondent by way of an appeal on 26.12.2022 and the same is pending.

Pending appeal, coercive steps are sought to be taken by the 2nd respondent and their subordinates. We are of the view that since appeal filed by the petitioner is pending, no coercive steps would be taken as against the petitioner and petitioner's building till the disposal of the appeal. We further direct the 1st respondent to dispose of the appeal within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(V.M.V.,J.) (V.L.N.,J.)
10.03.2023

Index : Yes/No

Neutral Citation : Yes / No

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