



W.P.No.10245 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.10245 of 2023 and

CMP No.10247 of 2023

Susan John

... Petitioner

Vs.

1. The Secretary to Government
Housing & Urban Development Department,
Fort St.George, Secretariat,
Chennai 600 009.
2. The Executive Engineer, Zone-X,
Greater Chennai Corporation,
No.117, N.S.K.Salai, Kodambakkam,
Chennai 600 029.
3. The Assistant Executive Engineer,
Unit-29, Zone X, Greater Chennai Corporation,
Vadapalani, Chennai 600 032.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records of the impugned De-occupation notice in Letter No.10/4016/2023 dated 20.03.2023 on the file of the 2nd and 3rd respondents and quash the same and consequently, direct the respondents 2 and 3, not to take any coercive action of locking and sealing of the building at Plot No.8, Door No.2, Lambert Nagar, First Cross Street, Virugambakkam, Chennai 600092, pending disposal of the Special Revision dated 13.03.2023 filed under Section 80-A of Town and Country Planning Act, 1971 pending on the file of the first respondent.

For petitioner : Mr.K.Venkataramani, Senior Counsel
for Mr.V.C.Selvasekaran

For respondents : Mr.R.L.Karthika, Government Advocate
for R1

Mr.D.B.R.Prabhu,
Standing Counsel for R2 and R3

ORDER

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus to quash the impugned de-occupation notice dated 20.03.2023 issued by the 2nd respondent and consequently, direct the respondents 2 and 3, not to take any coercive action of locking and sealing



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of the building at Plot No.8, Door No.2, Lambert Nagar, First Cross Street, Virugambakkam, Chennai 600092, pending disposal of the Special Revision dated 13.03.2023 filed under Section 80-A of Town and Country Planning Act, 1971 pending on the file of the first respondent.

2. The case of the petitioner in brief:

The petitioner is the owner of the property bearing Plot No.8, Door No.2, Lambert Nagar, First Cross Street, Virugambakkam, Chennai 600092 measuring to an extent of 3600 sq.ft. together with building. Few tenants had approached the petitioner to continue their temporary business till the Chennai Metro Rail Project is completed, by putting temporary structures. Hence, the petitioner allowed them to put up temporary structures in the ground and terrace floors, which is capable for removal. However, without any intimation, the Corporation officials inspected the property and recorded the areas occupied by the tenants, as if it is a permanent deviation and also issued lock and seal notice dated 15.02.2023, pointing out various deviations. The petitioner preferred a Revision before the first respondent. However, the second and third respondents issued the impugned



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de-occupation notice dated 20.03.2023, and taking coercive steps to lock and seal the building. Hence the writ petition.

3. The learned counsel appearing for the petitioner submitted that, though the writ petition has been filed to quash the impugned de-occupation notice, it is suffice to give direction to the first respondent to dispose the Special Revision Petition filed by the petitioner under 80-A of the Town and Country Planning Act.

4. Mr.R.L.Karthika, learned Government Advocate takes notice for the first respondent and Mr.D.B.R.Prabhu, leaned Standing Counsel takes notice for the second and third respondents. The learned Government Advocate submitted that the Special revision petition filed by the petitioner will be considered and appropriate orders will be passed by the authorities concerned on its own merits and in accordance with law.

5. Considering the limited scope of prayer and also taking into account the submission of the learned Government Advocate, without



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expressing any opinion on merits, the first respondent is directed to dispose the Revision Petition filed by the petitioner dated 13.03.2023, on its own merits and in accordance with law, after providing opportunity to the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order. In the meantime, the first respondent is directed to dispose the stay petition filed by the writ petitioner, within one week from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of . No costs. Consequently, connected writ miscellaneous petition is closed.

(D.K.K.J.)

(K.G.T.J.)

03.04.2023

Index : Yes/No

Internet : Yes/No

mst



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To

WEB COPY

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Government of Tamil Nadu,
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Chennai 600 009.
2. The Executive Engineer, Zone-X,
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