



W.P.No.10206 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.10206 of 2023 and

CMP No.10219 of 2023

K.Balaji

... Petitioner

Vs.

1. The Secretary to Government
Housing & Urban Development Department,
Fort St.George, Secretariat,
Chennai 600 009.
2. The Executive Engineer, Zone-IX,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai.
3. The Assistant Executive Engineer,
Division-112, Pulliyur Main Road, Trustpuram,
Kodambakkam, Chennai 24

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the second and third respondents from initiating any coercive action of lock and seal and demolition with regard to building put up at door No.47, Sivan Koil Stret, Kodambakkam, Chennai 600 024 till the disposal of the petitioner's special revision petition dated 08.03.2023 filed under Section 80-A of Town and Country Planning Act, 1971 consequently direct the first respondent to dispose the petitioner's Special Revision Petition dated 08.03.2023.

For petitioner : Mr.R.Subburaj

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 Writ of Mandamus forbearing the second and third respondents from initiating any coercive action of lock and seal and demolition with regard to building put up at door No.47, Sivan Koil Stret, Kodambakkam, Chennai 600 024 till the



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disposal of the petitioner's special revision petition dated 08.03.2023 filed under Section 80-A of Town and Country Planning Act, 1971 and consequently direct the first respondent to dispose the petitioner's Special Revision Petition dated 08.03.2023.

2. The case of the petitioner in brief:

The mother and father of the petitioner, purchased the superstructure constructed in the land on two different sale deeds during the year 1979 and 2007. On account of leakage and cracks development in the building, the father of the petitioner obtained permission from the land owner and renovated the building as early as in the year 2006 and 2007. After renovation, property tax was assigned by the Corporation and the same was continued to pay till the life time of parents of the petitioner, after wards, the petitioner is paying the property tax. In such circumstances, the second and third respondents issued stop work notice dated 14.02.2023, with regard to the construction exists for more than three decades, as if the petitioner is putting new construction. Though the petitioner explained the facts, the second and third respondents affixed lock and seal notice in the building on



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07.03.2023. Therefore, the petitioner preferred a Revision before the first respondent. However, the second and third respondents taking coercive steps to lock and seal the building. Hence the writ petition.

3. Mr.R.L.Karthika, learned Government Advocate takes notice for the first respondent and Mr.D.B.R.Prabhu, learned 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.

4. Considering the limited scope of prayer and also taking into account the submission of the learned Government Advocate, without expressing any opinion on merits, the first respondent is directed to dispose the Revision Petition filed by the petitioner dated 08.03.2023, 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



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stay petition filed by the writ petitioner, within one week from the date of receipt of a copy of this order.

5. 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

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To

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