



WEB COPY

W.P.No.11198 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.11198 of 2023

and

W.M.P.Nos.11064 to 11066 of 2023

S.Vinothkumar

.. Petitioner

Vs.

- 1.The Secretary to the Government,
Housing & Urban Development Department,
Fort George,
Chennai – 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore,
Chennai – 600 008.
- 3.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 001.
- 4.The Executive Engineer,
Zone – 13,
The Greater Chennai Corporation,
Adayar,
Chennai – 600 020.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of



India, praying for issuance of a Writ of Certiorarified Mandamus, calling for records relating to Lock & Seal notice dated 17.02.2023 bearing No.Z-IX/TPENF/DN-110/004/2022 and De-occupation Notice dated 23.03.2023 bearing No. Z.IX.TPENF/Dn-110/002/2023 both issued by the 4th Respondent herein and to quash the same and consequently to direct the 1st Respondent to consider and pass order in the Appeal dated 28.03.2023 filed by the Petitioner under Section 80A of Town and Country Planning Act, 1971; and to direct the 2nd Respondent to consider and pass orders on the application for regularization dated 19.09.2022 filed under Section 113C of Town and Country Planning Act, 1971 concerning the property situated at Door No.11, Lake Area 6th Cross Street, Nungambakkam, Chennai – 600 034 and to consequently forbear the Respondents from initiating any coercive action.

For Petitioner	: Ms.Y.Kavitha for P.V.S.Giridhara Associates
For R1	: Mr.A.Selvendran Special Government Pleader
For R2	: Mr.R.Sivakumar Standing Counsel
For RR 3 & 4	: 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 to quash the lock & seal notice dated 17.02.2023 and De-occupation Notice dated



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23.03.2023 issued by the 4th respondent; for a direction to 1st respondent to consider and pass order on the Appeal dated 28.03.2023 filed by the petitioner; for a direction to the 2nd respondent to consider and pass orders on the application for regularization dated 19.09.2022 and consequently forbearing respondents from initiating any coercive action.

2.By consent of the learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the 1st respondent, Mr.R.Sivakumar, learned Standing Counsel, who takes notice for the 2nd respondent and Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for respondents 3 & 4, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property bearing Door No.11, Lake Area, 6th Cross Street, Nungambakkam, Chennai – 600 034. He obtained planning permission on 06.04.2022 from the 3rd respondent and put up Ground + 3 floors residential building and is residing along with his family members. According to the petitioner, there is minor deviation in the construction. Hence, the petitioner filed application under Section

113-C of the Tamil Nadu Town and Country Planning Act, 1971, for



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regularization of minor deviation. While so, the petitioner received lock and seal notice dated 17.02.2023 and De-occupation notice dated 23.03.2023 from the 4th respondent. The petitioner challenging the said notices, filed special revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 on 28.03.2023 before the 1st respondent and the said special revision is pending. While so, the 4th respondent is threatening to evict the petitioner and his family members from the building in question. In such circumstances, the petitioner has come out with the present Writ Petition.

4.Mr.A.Selvendran, learned Special Government Pleader appearing for the 1st respondent submitted that the petitioner has constructed the building without obtaining any permission and building is unauthorised one. In view of the same, lock and seal notice dated 17.02.2023 and De-occupation notice dated 23.03.2023 were issued. The petitioner's revision dated 28.03.2023, filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, will be considered and necessary orders will be passed in accordance with law and prayed for dismissal of the Writ Petition.



WEB COPY

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and

V.LAKSHMINARAYANAN, J.

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To

- 1.The Secretary to the Government,
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- 2.The Member Secretary,
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