



W.P.No.15781 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15781 of 2023 and
WMP.No.15227 of 2023

V.C.Thangamagan

.. Petitioner

Versus

1. The Government of Tamil Nadu,
Represented by: It's Secretary to Government
Housing and Urban Department
Fort St. George
Chennai- 600 009
2. The Commissioner
Corporation of Greater Chennai
Chennai- 600 003.
3. The Executive Engineer
Zone-X
Corporation Office
64, N.S.K.Salai,
Kamarajar Salai,
Kodambakkam,
Chennai- 600 024.
4. The Assistant Executive Engineer,



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Unit No.31,
Corporation Office,
58, Thambaiiah Reddy Salai,
West Mambalam,
Chennai- 600 033.

5. The Assistant Engineer
Division No.133
Corporation Office
21, Ram Colony
West Mambalam,
Chennai- 600 033.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 2 to 5 from in any manner locking and sealing the ground floor premises or demolishing the building bearing Door No.57, Muthuvel Naicker Street, Dr.Raghavan Colony, Kodambakkam, Chennai-24 pending appeal filed by the petitioner on 09.09.2022 before the 1st respondent in file No.3141408/2022 against the order of the 3rd Respondent herein bearing Letter ZXC No.TPC No.7084/2022 dated 24.08.2022.

For Petitioner : Mr.L.Palanimuthu
For Respondents : Ms.R.Anitha
Special Government Pleader (R1)
Mr.E.C.Ramesh (R2 to R5)



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ORDER

WEB COPY(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

This Writ Petition has been filed in the nature of a Mandamus seeking a restraint order against the Respondents 2 to 5 from locking and sealing the ground floor premises or demolishing the building bearing Door No.57, Muthuvel Naicker Street, Dr.Raghavan Colony, Kodambakkam, Chennai-24, pending an appeal filed by the petitioner on 09.09.2022 before the 1st Respondent in file No.3141408/2022, which appeal was filed questioning an order of the 3rd Respondent herein bearing Letter ZXC No.TPC No.7084/2022 dated 24.08.2022.

2. Heard Mr.L.Palani Muthu, learned counsel appearing for the Petitioner and Ms.R.Anitha, learned Special Government Pleader appearing for 1st Respondent as well as Mr.E.C.Ramesh, learned counsel appearing for the Respondents 2 to 5.

3. It is a fact that the Appeal has been preferred by the Petitioner herein on 09.09.2022 before the 1st Respondent. It is stated that when the said Appeal was pending, the Respondents 2 and 5 had issued a lock and seal notice to the Petitioner and that this should be therefore interfered by this Court.

5. Since the 1st Respondent is duty bound to examine the case on merits, we



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refrain ourselves from examining the Writ Petition on merits and issue a direction to the 1st Respondent to dispose of the Appeal filed by the Petitioner on or before 31.08.2023. Till such time the notice/order directing lock and seal shall be kept in abeyance and further orders can be passed after disposal of the Appeal.

6. The Writ petition stands disposed of. Consequently, connected W.M.P.No. 15227 of 2023, is closed.

[C.V.K., J.] [S.K.R., J.]
18.05.2023

Index : Yes / No
Internet: Yes / No
arr/av

To



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C.V. KARTHIKEYAN, J.
and



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SENTHILKUMAR RAMAMOORTHY, J.

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