



W.P.No.23850 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM

THE HONOURABLE Mrs.JUSTICE J.NISHA BANU
and
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.23850 of 2018
and
W.M.P.No.27790 of 2018

S.Kumari

...Petitioner

vs

1. The Secretary to Government,
Housing & Urban Development Department,
Fort St.George,
Chennai - 600 009.
2. The Executive Engineer,
Corporation of Greater Chennai,
Zone-XII, Alandur,
Chennai - 600 014.
3. The Assistant Executive Engineer,
Corporation of Greater Chennai,
Zone XII, Unit -35, Alandur,
Chennai - 600 014.
4. The Assistant Engineer,
Corporation of Greater Chennai,
Zone-XII, Division-157,
Alandur, Chennai - 600 014.



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5. M.Francis,
S/o Late Michael

6. C.Santhakumar,
S/o Chokkalingam.

... Respondents

Writ Petition filed under Article 226 of the Constitution to issue a Writ of Certiorarified Mandamus to call for the records relevant to the impugned notice in letter No.12/00003/2018 dated 23.08.2018 issued by the respondent Nos.2 to 4 and quash the same and consequently direct the 1st respondent to pass appropriate orders on the regularize appeal dated 04.05.2018 filed by the petitioner.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader for R1
Mr.R.Arunmozhi,
Standing Counsel for R2 to R4
Mr.T.Ramachandran for R5

ORDER

This Writ Petition has been filed challenging the impugned notice in letter dated 23.08.2018 issued by the respondent Nos.2 to 4 and consequently, direct the 1st respondent to pass appropriate orders on the appeal dated 04.05.2018 filed by the petitioner.



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2. The petitioner is the resident of No.1/297, Indira Nagar, 2nd Cross Street, Manapakkam, ,Chennai - 600 125 along with her son aged 23 years. After the death of her husband, who died intestate on 07.02.2017, the petitioner and her son acquired rights over the said property. The said property was in possession and enjoyment of the petitioner's family from the date of purchase on 07.06.1996 and patta was also granted in the name of her husband. Her husband constructed the property with 600 sq.ft. building in ground floor before his demise. Since it was less than 880 sq.ft. planning permission was not accorded by the authorities. In the meantime, the neighbour Arulandu, who owns 34 cents, constructed 10 housing portions and let out for rents and mansion for college students and he along with family members stayed in the ground floor adjacent to the petitioner's house having entrance gate facing the petitioner's property. The neighbour has given power of attorney to his brother, the 5th respondent, who filed a suit in O.S.No.14 of 2013 before the District Munsif and Magistrate court, Sriperumbudur, seeking injunction restraining the petitioner from interfering with their right of usage of 20 feet public road and government park, in which, an exparte decree was passed initially and subsequently, application



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to set aside exparte decree was filed which was allowed on 07.04.2016 and the suit was restored and since no steps were taken by 5th respondent, it was dismissed for default on 21.06.2018. The 5th respondent wanted to purchase the property of the petitioner at any cost. When the petitioner's husband started construction in June 2004 and completed in November 2004, the respondents 3 & 4 issued stop work notice, calling for approved plan on 16.04.2018 and thereafter, lock and seal and demolition notice dated 25.04.2018 was served as if the construction was made only now. Against which, appeal dated 04.05.2018 was filed before the 1st respondent. The de-occupation notice dated 23.08.2018 was issued by the respondents 2 to 4 pending appeal and for no reason, the petitioner is directed to vacate the property. Hence, the present writ petition.

3. Today, when the matter is taken up for consideration, it is stated by the learned counsel for the petitioner that the appeal filed under 80-A of the Tamil Nadu Town and Country Planning Act, 1971 was rejected on 13.02.2019. A copy of the order dated 13.02.2019, rejecting the appeal was also produced before this Court.



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4. In view of the above, nothing further survives for adjudication in the present writ petition. Therefore, recording the submission made by the learned counsel for the petitioner, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

(J.N.B.,J.)

(N.M.,J.)

09.08.2023

Index:Yes/No
Speaking/Non-speaking order
vsi

To

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**J.NISHA BANU,J.
and
N.MALA,J.**

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