



W.P.No.18470 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.18470 of 2021

P.Ramani

... Petitioner

Vs.

1. The Member of Secretary,
Chennai Metropolitan Authority, No.01,
Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai 600 008.
2. The Commissioner of Chennai Corporation,
Rippon Building, Rajamuthaia Road,
Kannappar Thidal, Periyamet,
Chennai 600 003.
3. The Executive Engineer,
Ward No.103, Chennai Corporation, No.36B,
II Cross Street, Pulla Ave, Shoney Nagar,
Chennai 600 030.
4. The Assistant Executive Officer,
Ward No.103, Chennai Corporation,
Temple Street, Telecom Quarters,
Kilpauk, Chennai 600 010.



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5. S.Balachandran

6. B.Baby Kala

7. B.Manjula

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 and 4 to immediately implement their lock and seal notice issued by them in notice No.Zone-VIII/146/2021 dated 03.02.2021 and notice No.Zone-VIII/146/2021 dated 12.05.2021 to the fifth respondent on the basis of the petitioner's representation dated 30.06.2021 for the property situated at old door No.42, New Door No.61, Thiyagappa Street, Kilpauk, Chennai-10.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.P.Veena Suresh
Standing Counsel for R1.

Mr.D.B.R.Prabhy, Standing Counsel
for respondents 2 to 4

Mr.R.Lakshminarasimhan
for respondents 5 to 7

ORDER



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(Order of the Court was delivered by **P. DHANABAL, J.**)

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This writ petition has been filed to direct the respondents 3 and 4 to immediately implement their lock and seal notice issued by them in notice No.Zone-VIII/ 146/2021 dated 03.02.2021 and notice No.Zone-VIII/146/2021 dated 12.05.2021 to the fifth respondent on the basis of the petitioner's representation dated 30.06.2021 for the property situated at old door No.42, New Door No.61, Thiyaappa Street, Kilpauk, Chennai-10.

2. The petitioner is the co-owner of land and building situated at S.No.124/3, Old No.42, New No.61, latest door No.56, Thiyaappa Mudali Street, Kilpauk, Chennai-10, to a total extent of 2570 $\frac{2}{3}$ sq.ft. with a built up area of 2200 sq.ft. and 370 sq.ft. vacant land. The old house buildup area to an extent of 1100 sq.ft. in ground floor is described as A schedule property; and New House, buildup area to an extent of 1100 sq.ft. in Ground + one is described as B schedule property. The petitioner has filed a partition suit in O.S.No.4338/2020 before the II Additional City Civil Court, Chennai and pending suit, the respondents 5 to 7 had demolished the A schedule property, without getting any planning permission. Subsequently,

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interim injunction was granted in I.A.No.2/2021 on 24.02.2021, restraining the respondents 5 to 7 from putting up any further construction in the A schedule property and also not to interfere with the peaceful possession and enjoyment of the petitioner in the B schedule property.

3. Enclosing the above court order, the petitioner made a representation to the respondents 1 to 4 to take action against the illegal and unauthorized construction put up by the respondents 5 to 7. Though the third respondent issued a lock and seal notice dated 12.05.2021 under Section 56 and 57 of Tamil Nadu Town and Country Planning Act, has not proceed further. Therefore, the petitioner again made a representation dated 30.06.2021 to take further action, however, there was no response. Hence the writ petition.

4. The learned counsel appearing for the respondents 5 to 7 informed before this Court that the respondents 5 to 7 have filed an application before the authorities concerned seeking regularization of building put up to an extent of 600 sq.ft. during the month of December 2021. However, subject



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to ascertain the date of application.

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5. At this juncture, the learned Standing Counsel appearing for the official respondents submitted that, if any such application is pending for regularization of the building, the same will be considered and orders will be passed in accordance with law by the authorities concerned.

6. In view of the above submission, the respondent concerned is directed to consider the application of the respondents 5 to 7, if any pending before them for regularization of the building and pass orders, in accordance with law, after providing opportunities to the petitioner as well as the respondents 5 to 8, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner may also furnish all the documents before the respondents, within one week from the date of receipt of a copy of this order. Further, if no such application is pending, the respondent concerned shall proceed further, consequent to the lock and seal notice.

7. With the above direction, this writ petition is disposed of. No costs.



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(D.K.K.J.)

(P.D.B.J.)

16.06.2023

Internet: Yes/No

Index : Yes/No

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To

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