



W.P.No.19740 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**ORDER RESERVED ON : 10.07.2023
ORDER PRONOUNCED ON : 13.07.2023
CORAM**

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.19740 of 2023
and
WMP.Nos.19021 and 19026 of 2023**

1.A.Vijaya
2.K.Annamalai

...Petitioners

Vs.

1.The Secretary to the Government,
Housing and Urban Development Department,
Fort St. George, chennai- 600 009.

2.The Commissioner,
The Greater Chennai Corporation,
Ripon Building, Chennai-600 003.

3.The Assistant Engineer,
Division No-004,
945A, T.H.Road,
Sathya Moorthy Nagar,
Thiruvottiyur, Chennai-600 019.

4.The Executive Engineer,
Zone-1, 945A, T.H.Road,
Sathya Moorthy Nagar,
Thiruvottiyur, Chennai-600 019.

5.The Assistant Executive Engineer,



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Unit-01,
945A, T.H.Road,
Sathya Moorthy Nagar,
Thiruvottiyur, Chennai-600 019.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue Writ of Mandamus directing the respondents to unlock the house and laundry shop of the petitioners bearing No. 17G/5-A, Bajanai Koil Street, Ernavur, Chennai-600 067 admeasuring 600 Sq.ft which was unauthorizedly locked and sealed by Respondents 2 to 4 on 18.04.2023 and restore the possession in favour of the petitioners.

For Petitioners : Mr.C.K.M.Appaji

For R-1 : Mr.E.Vijay Anand,
Additional Government Pleader

For RR 2 to 5 : Mr.D.B.R.Prabu
Standing counsel

ORDER

This Writ Petition is filed for issuance of Writ of Mandamus directing the respondents to unlock the house and laundry shop of the petitioners bearing No. 17G/5-A, Bajanai Koil Street, Ernavur, Chennai-600 067 admeasuring 600 Sq.ft which was unauthorizedly locked and sealed by Respondents 2 to 4 on



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18.04.2023 and restore the possession in favour of the petitioners.

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2. The petitioners are owners of the property at No.2, Ernavoor Village, Door No.17G/5A, Vasantham Nagar, Bajanai Koil Street, Chennai-600 057, having purchased the same under the registered Doc.No.6155/2013 dated 13.08.2018. The petitioners had sold half of the above said property measuring 600 Sq.ft on 05.02.2018 vide Doc.No.879/2018 and out of the sale proceeds constructed a house and laundry shop in the remaining land. The petitioners received a notice dated 02.04.2018 from the respondents 2 and 3 calling upon them to produce the plan approval for the house. Therefore the petitioners on 12.04.2018 applied before the 2nd respondent for regularisation of their construction. The petitioners thereafter received Lock and Seal Notice and stop work notice from the respondents 2 to 4 on 16.04.2018. Later on 14.06.2018, the petitioners received de-occupation notice under Section 56- Sub Section 2(A) and 57 read with Section 85 of the Town and Country Planning Act, 1971. The petitioners preferred a appeal to the Secretary to Government Housing and Urban under Section 80-A, challenging the aforesaid two notices dated 16.04.2018 and 14.06.2018.

3. The first respondent i.e. The Secretary to Government Housing and



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Urban Development passed an order dated 06.02.2019 directing the petitioners to make an application for planning permission with Greater Chennai Corporation within a period of one month and ordered status quo to be maintained, failing which the Greater Chennai Corporation was permitted to re-seal the building. It was further made clear that if the planning permission application was made within a period of one month by the petitioners, “de-seal” would continue till the disposal of the planning permission.

4. According to the petitioners, when they approached the respondents 2 to 4, they were informed that since application for planning permission was already pending, no fresh application was required. But surprisingly on 18.04.2023, respondents 2 to 4 entered into the house of the petitioners and locked and sealed the house and laundry shop. According to the petitioners, no notices were issued before the aforesaid action. The petitioners therefore sent a representation on 13.06.2013 to the respondents and as no action was taken on the said representation, the petitioners left with no other alternative remedy filed the above writ petition.

5. The matter was called for hearing on 05.07.2023 and it was adjourned



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for today for getting instructions of the respondents 2 to 5. The matter has come up today and upon consent of all the counsels the same is disposed of finally.

6. It is seen from the order dated 06.02.2019 that the Additional Secretary (Technical), Housing and Urban Development, Secretariat, Chennai, while disposing of the appeal filed by the petitioners, permitted the petitioners to file an application for planning permission with the Greater Chennai Corporation within a period of one month and to maintain status quo. It was clearly stated in the said order that if the planning permission was filed by the petitioners within one month, the “de-seal” would continue till the disposal of the planning permission, failing which the Greater Chennai Corporation could re-seal the building.

7. To the question posed to the learned counsel for the writ petitioners if the planning application was filed in pursuance of the aforesaid orders, the learned counsel submitted that as there was already an application pending before the 2nd respondent, the same was not filed.

8. Considering the averments made in the writ petition that the



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petitioners are illiterate dhobies, unaware of the procedures, we are inclined to permit the petitioners to file fresh application for planning permission to the Greater Chennai Corporation within a period of four (4) weeks from the date of receipt of copy of this order. The Greater Chennai Corporation shall thereafter dispose of the application for planning permission within a period of four (4) weeks from the date of receipt of the application for planning permission.

8. With the aforesaid direction this Writ Petition is disposed of. Consequently connected Miscellaneous Petitions are closed. No Costs.

(J.N.B, J.) (N.M, J.)
13.07.2023

Index : Yes / No
Internet : Yes / No
Speaking order: Yes/No
Neutral Citation : Yes / No
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To

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

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PRE-DELIVERY ORDER IN
W.P.No.19740 of 2023

ORDER DELIVERED ON
13.07.2023