



WEB COPY



W.P.No.20884 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

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

W.P.No.20884 of 2023

V.Purushothaman

... Petitioner

Vs.

1.Government of Tamil Nadu
Rep.by its Secretary
Government Housing and Urban Development Department
Fort St.George
Chennai – 600 009.

2.The Assistant Executive Engineer
Zone – 9 Greater Chennai Corporation
Kodambakkam, Chennai – 600 024.

3.The Assistant Engineer
Greater Chennai Corporation
Zonal Office-IX Division – 112, Trust Puram
Main Road, Kodambakkam, Chennai – 600 024.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to consider and pass orders on the representation dated 16.06.2023 for extension of time from the original time fixed in pursuance to the 1st respondent Letter



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No.3561401/UD6(3)/2022-3 dated 16.03.2023 for submitting application for planning permission and also direct the 2nd respondent to forbear them from in anyway interfering with the petitioner's building situated at 83/57, Sivan Koil Street South Street, Kodambakkam, Chennai – 600 024 particularly by way of locking and sealing and or demolition of the same, pending disposal of the above main Writ Petition.

For Petitioner : Mr.M.Vembadiyan

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader
for R1
Mr.D.B.R.Prabu for RR2 & 3

ORDER

With consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The limited prayer sought for in this Writ Petition is for a direction to the 1st respondent to consider the petitioner's representation dated 16.06.2023, for extension of time from the original time fixed, in pursuance to the 1st respondent Letter No.3561401/UD6(3)/2022-3 dated 16.03.2023, for submitting application for planning permission.

3. According to the petitioner, since 1966, he along with his wife



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are residing at 83/57, Sivan Koil South Street, Kodambakkam, Chennai – 600 024. Building in the above mentioned subject property was in existence for long period and the petitioner has renovated and repaired the existing structure. While so, the 2nd respondent issued lock and seal notice on 13.08.2022, under Sections 56 & 57 of the Town and Country Planning Act, 1971. Aggrieved against the same, petitioner has preferred an appeal before the 1st respondent and the same was disposed of by an order dated 16.03.2023, granting 3 months time to obtain patta and necessary approval for the said building, after rectifying the deviations. Now, the petitioner is before this Court with the above prayer.

4. In view of the limited prayer sought for by the petitioner, this Court without expressing any opinion on the merits of the claim made by the petitioner, we direct the 1st respondent to pass orders on the representation dated 16.06.2023, on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner and the parties concerned. Such exercise shall be done by the 1st respondent within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs.



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(J.N.B.,J.) (N.M., J.)
14.07.2023

Index : Yes / No
Internet : Yes
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To

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Government Housing and Urban Development Department
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J. NISHA BANU, J.



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and
N.MALA,J.

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