



WEB COPY



W.P.No.22216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE N.MALA**

**W.P.No.22216 of 2023
and
W.M.P.No.21603 of 2023**

A.Rathinasabapathy

..Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban development Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
3. The Assistant Engineer,
Greater Chennai Corporation,
Division No.97,
Corporation of Chennai,
Solai Street, Ayanavaram,
Chennai - 600 023.
4. The Assistant Executive Engineer,
Greater Chennai Corporation,
No.13-B-36B, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.



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5. The Executive Engineer,
Greater Chennai Corporation,
Zone 8, No.13B-36B, Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030.

... 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 petitioner's appeal dated 07.07.2023 filed under Section 80A of the Tamil Nadu Town and Country Planning Act 1971 and to forbear the respondents 2 to 5 from initiating any coercive action against the petitioner property bearing New No.45, (Old No.10/1) Parasurama Easwaran Koil West Mada Veedhi, Ayanavaram, Chennai - 600 023 comprised in Paimash No.1446, Block No.10, T.S.No.8, Ayanavaram Village in Locking Sealing Notice dated 24.06.2023 in notice No.ZONE-VIII/247/2023 .

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader for R1
Mr.D.B.R.Prabu,
Standing Counsel for R2 to r5

ORDER

This Writ Petition has been filed for a Mandamus to direct the 1st



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respondent to consider and pass orders on the petitioner's appeal dated

07.07.2023 filed under Section 80A of the Tamil Nadu Town and Country Planning Act 1971 and to forbear the respondents 2 to 5 from initiating any coercive action against the petitioner property bearing New No.45, (Old No.10/1) Parasurama Easwaran Koil West Mada Veedhi, Ayanavaram, Chennai - 600 023 comprised in Paimash No.1446, Block No.10, T.S.No.8, Ayanavaram Village in Locking Sealing Notice dated 24.06.2023 in notice No.ZONE-VIII/247/2023.

2. According to the petitioner, he is the owner of the superstructure of the property situated at New No.45 (Old No.10/1) Parasurama Easwaran Koil West Mada Veedhi, Ayanavaram, Chennai - 600 023 and the said property is a temple property, in which, the superstructure alone had been registered by the petitioner. The petitioner had constructed ground floor to an extent of 792 sq.ft and first floor to an extent of 648 sq.ft. and paying property tax, water and drainage tax and the property is assessed to electricity connection as well. The petitioner is also paying monthly rent towards the ground since the land is owned by the HR&CE temple and the petitioner was in possession for the past more than 30 years without any hindrance. All of a sudden, the petitioner's neighbour one Parasuraman filed a writ petition in W.P.No.23889 of 2018 to demolish the unauthorized construction due to personal vengance and this



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Court disposed of the said Writ Petition by directing the 1st respondent to inspect the property in question and to take appropriate action. Based on the said order, the 1st respondent issued a communication dated 24.06.2023 for locking and sealing, for which, the petitioner had filed appeal before the 1st respondent, which is pending. However, the 3rd respondent is threatening the petitioner stating that unless the petitioner obtains stay order from the 1st respondent, he will lock and seal his residence. Hence, this writ petition.

3. Considering the facts and circumstances of the case, the 1st respondent is directed to dispose of the appeal dated 07.07.2023 filed by the petitioner and pass orders on the same on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the aggrieved parties, within a period eight weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Index : Yes / No
Internet : Yes
vsi

(J.N.B,J.) (N.M., J.)
28.07.2023



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

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