



W.P.No.26480 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM

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

W.P.No.26480 of 2023
and
W.M.P.No.25888 of 2023

T.Navaneethan

.... Petitioner

vs

1. The Secretary to Government,
Housing and Urban Development Department,
St.George Fort,
Secretariat,
Chennai - 600 009.
2. The Executive Engineer,
Zone-VII, Greater Chennai Corporation,
Thiruvallur High Road,
Ambattur,
Chennai - 600 053.
- 3.The Assistant Executive Engineer,
Zone-VII, Unit -18,
Greater Chennai Corporation,
83, Periyar Nagar, Venkatraman Nagar,
Korttur,
Chennai - 600 080.



W.P.No.26480 of 2023

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4. The Assistant Engineer,
Zone-VII, Unit-18, Division-083,
Greater Chennai Corporation,
83, Periyar Nagar, Venkatraman Nagar,
Korttur,
Chennai - 600 080.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 2 to 4 from taking coercive steps pursuant to the Locking & Sealing Notice in Letter No.DN-83/Unit-18/297/2023 dated 16.06.2023 till disposal of appeal dated 23.08.2023 by the 1st respondent.

For Petitioner	: Mr.G.Ramachandran
For Respondents	: Mr.E.Vijayanand, Additional Government Pleader for R1 Mr.D.b.R.Prabu, Standing Counsel for R2 to R4

ORDER

(The Order of the Court was made by J.Nisha Banu,J)

Mr.E.Vijayanand, learned Additional Government Pleader takes notice for the 1st respondent, Mr.D.B.R.Prabu, learned Standing counsel takes notice for the 2nd to 4th respondents. By consent of both parties, the main writ petition is taken up for disposal at the admission stage itself.



W.P.No.26480 of 2023

WEB COPY

2. This Writ Petition has been filed to issue a Writ of Mandamus forbearing the respondents 2 to 4 from taking coercive steps pursuant to the Locking & Sealing Notice in Letter No.DN-83/Unit-18/297/2023 dated 16.06.2023 till disposal of appeal dated 23.08.2023 by the 1st respondent.

3. Learned counsel for the petitioner would state that the petitioner developed the property at Plot No.12, Jai Nagar Korattur Village, Ambattur Taluk, Chennai and constructed a residential/commercial building after getting an approved plan and building approval dated 20.07.2022 from the respondents. Due to influence of a third party, the respondents 2 to 4 issued locking and sealing notice dated 16.06.2023 directing him to bring the building within the conformity of the approved plan. The petitioner filed an appeal dated 23.08.2023 under section 80-A of Tamil Nadu Town and Country Planning Act, 1971, against the lock and seal notice. Therefore, the learned counsel would submit that till the disposal of the appeal, the respondents may be directed not to take any coercive action.

4. Considering the above submission made by the learned counsel for the petitioner, without expressing any view on the merits of the claim made by the petitioner, the 1st respondent is directed to consider the appeal filed by the petitioner dated 23.08.2023 and pass orders on the same on merits



W.P.No.26480 of 2023

WEB COPY

and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive action as against the subject property in issue. No costs. consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
12.09.2023

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

To

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W.P.No.26480 of 2023

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W.P.No.26480 of 2023

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