



W.P.No.32190 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM

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

W.P.No.32190 of 2023
and
W.M.P.No.31808 of 2023

Muthukrishnan
S/o Ganesan

.... Petitioner

vs

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 9
2. The Greater Chennai Corporation,
REp. by its Commissioner,
Rippon Building,
Chennai - 3.
3. The Assistant Engineer,
Greater Chennai Corporation,
DIV 192, Chennai
4. The Assistant Executive Engineer,
The Greater Chennai Corporation,
Unit 44, Chennai.



W.P.No.32190 of 2023

5. The Executive Engineer,
The greater Chennai Corporation,
Zone-15, Chennai.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to conduct enquiry on the petitioner's appeal dated 20.10.2023 against the Locking & sealing and Demolition Notice dated 06.10.2023 in Letter No.15/00173/2023 issued by the Respondents 2 to 5 pertaining to the property situated at No.4/208, Ellaianman Koil street, 1st Street, Neelangarai, Chennai - 600 115 within the time frame fixed by this Court.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mrs.R.L.Karthika,
Government Advocate for R1
Mr.D.B.R.Prabu,
Standing Counsel for R2 to R4

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

Mrs.R.LKarthika, learned Government Advocate takes notice for the 1st respondent. Mr.D.B.R.Prabu, learned Standing Counsel takes notice for the 2nd to 5th respondents.

2. This Writ Petition has been filed to issue a Writ of Mandamus to direct the 1st respondent to conduct enquiry on the petitioner's appeal dated 20.10.2023 against the Locking & sealing and Demolition Notice dated



W.P.No.32190 of 2023

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06.10.2023 in Letter No.15/00173/2023 issued by the Respondents 2 to 5 pertaining to the property situated at No.4/208, Ellaiamman Koil street, 1st Street, Neelangarai, Chennai - 600 115 within the time frame fixed by this Court.

3. The case of the petitioner is that he purchased the property at No.4/208, Ellaiamman Koil Street, 1st street, Neelangarai, Chennai - 600 115 by virtue of family settlement partition deed vide document No.4197 of 2008 dated 16.10.2008 on the file of SRO Neelankarai, and thus, he became the absolute owner of the entire property. He constructed a building without any approval or planning permission from the Corporation. Consequently, the Corporation issued stop work notice No.15/00521/2023 dated 30.08.2023. The petitioner wants to regularize the building according to the rules of the Corporation of Chennai. The construction of the building is well within the permissible limits. However, the respondents had issued Locking & Sealing and Demolition notice on 06.10.2023. The petitioner had filed an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 and the same is pending before the 1st respondent. Hence, the present writ petition has been filed with the aforesaid relief.

4. Since the petitioner has filed an appeal under section 80-A of Tamil



W.P.No.32190 of 2023

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Nadu Town and Country Planning Act, 1971, without going into the merits of the claim made by the petitioner, if the appeal is still pending with the 1st respondent, the 1st respondent is directed to pass orders on the same on merits in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till then, no coercive action shall be taken by the respondents as against the petitioner's building in question. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
10.11.2023

vsi

Index : Yes / No

Internet : Yes / No

To

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W.P.No.32190 of 2023

WEB COPY

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W.P.No.32190 of 2023

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W.P.No.32190 of 2023

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