



WEB COPY



W.P.No.34316 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P.No.34316 of 2023
and W.M.P.No.34211 of 2023**

S.Palpandian

... Petitioner

-Vs-

- 1.The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development
Department, Chennai 600 009.
- 2.The Executive Engineer
Zone-X, Greater Chennai Corporation
No.117, N.S.K.Salai, Kodambakkam
Chennai 600 024.
- 3.The Assistant Executive Engineer
Zone-X, Unit-28, Greater Chennai Corporation
No.117, N.S.K.Salai, Kodambakkam
Chennai 600 024.
- 4.The Assistant Engineer
Division 138, Unit-28, Zone-X
Greater Chennai Corporation
No.117, N.S.K.Salai, Kodambakkam
Chennai 600 024.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 2 to 4 from taking coercive steps in pursuant to the Lock and Seal and Demolition Notice dated



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14.06.2023 issued by them in respect of premises bearing Door No.20, Pugalendhi Street, M.G.R.Nagar, Chennai-600 078 till disposal of appeal dated 11.10.2023 filed by petitioner and pending on the file of the 1st respondent.

For Petitioners : Mr.S.B.Viswanathan
For Respondents : Mr.S.Balamurugan,
Government Advocate - for R1
Mr.D.P.R.Prabhu
Standing Counsel - for R2 to R4

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The prayer sought for herein is for a Writ of Mandamus forbearing the respondents 2 to 4 from taking coercive steps pursuant to the Lock and Seal and Demolition Notice dated 14.06.2023 issued by them in respect of premises bearing Door No.20, Pugalendhi Street, M.G.R.Nagar, Chennai-600 078 till disposal of appeal dated 11.10.2023 filed by petitioner and pending on the file of the 1st respondent.

2. There has been a Lock and Seal and Demolition notice issued by the respondents 2 to 4 on 14.06.2023 in respect of the building belonging to the petitioner, as against which the petitioner has preferred an appeal before the State Government on 11.10.2023. Though the said appeal is pending consideration before the State Government, it is yet to be disposed of or decided. The allegation of the petitioner as submitted by Mr.S.B.Viswanathan, learned counsel for the petitioner is that, the respondents 2 to 4 are taking coercive steps further to demolish the



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building. Therefore, in order to save the building as the appeal is pending consideration before the State Government, seeking the indulgence of this court praying for a writ of mandamus forbearing the respondents 2 to 4 from taking coercive steps pursuant to the lock and seal and demolition notice dated 14.06.2023, the petitioner has approached this Court by filing the present writ petition.

3. Reiterating the aforesaid, the learned counsel for the petitioner seeks the indulgence of this Court to give a direction to the State Government to dispose of the appeal dated 11.10.2023 and till such time, protection may be given to the petitioner restraining the respondents 2 to 4 from taking any coercive steps.

4. Heard Mr.S.Bala Murugan learned Government Advocate appearing for the first respondent and Mr.D.P.R.Prabhu, learned Standing Counsel appearing for the respondents 2 to 4.

5. As the appeal filed before the State Government dated 11.10.2023 is pending before the first respondent, for which acknowledgement also has been given by the first respondent and since it is a statutory appeal, unless and until that appeal is decided on merits after giving an opportunity to the petitioner, if any further coercive steps is planned to be taken by the respondents 2 to 4, it may definitely prejudice the rights of the petitioner.



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6. Therefore this Court, taking into account all the aforesaid facts is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the first respondent to decide the appeal dated 11.10.2023 filed by the petitioner and is pending before the first respondent, on merits and in accordance with law after giving an opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.
- Till such time, no further coercive steps shall be taken by the respondents 2 to 4 pursuant to the lock and seal and demolition notice dated 14.06.2023 in respect of the petitioner's building.

7. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (G.A.M.,J.)
11.12.2023

Index : Yes
Internet : Yes
Neutral Citation : Yes
KST



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To

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