



WEB COPY



W.P.No.11189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.11189 of 2024

Mrs.M.Udaya .. Petitioner

v.

1. The Principal Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009

2. The Chennai Metropolitan Development Authority
rep.by its Member Secretary
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling upon for the records relating to the de occupation notice dated 13.02.2024, No.EC/S-I/681/2017 issued by the second respondent under Section 56(2), sub clause (iii) and 2(A) of the Tamil Nadu Town and Country Planning Act, 1971 and quash the same and consequently direct the second respondent to consider the representation dated 04.04.2024 of petitioner issued under Section 56(3) of the Tamil Nadu Town and Country Planning Act, 1971 for removal of the



W.P.No.11189 of 2024

house hold articles lying inside the sealed premises bearing Flat No.G1 in the Ground Floor, Krishna Kuttir, Old No.17, New Door No.8, Venkatarathinam Street, Teynampet, Chennai 600 018.

For Petitioner :: Mr.R.Abdul Mubeen
Senior Counsel for
Mr.D.S.Ra.P.Pratap Singh

For Respondents :: Mr.G.Nanmaran
Special Government Pleader for R1
Mr.R.Sivakumar
Standing Counsel for R2

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed for issuance of a writ of certiorarified mandamus, calling for the records relating to the de-occupation notice dated 13.02.2024, No.EC/S-I/681/2017 issued by the second respondent under Section 56(2), sub clause (iii) and 2(A) of the Tamil Nadu Town and Country Planning Act, 1971 and quash the same with a consequential direction to the second respondent to consider the representation dated 04.04.2024 of the petitioner for removal of the house hold articles lying inside the sealed premises bearing Flat No.G1 in the Ground Floor, Krishna Kuttir, Old No.17, New Door No.8, Venkatarathinam Street, Teynampet,



W.P.No.11189 of 2024

Chennai 600 018.

WEB COPY

2. It is seen from the records that on receipt of the impugned de-occupation notice, the petitioner has submitted a representation dated 04.04.2024 to the authority seeking three months time to remove the house hold articles to enable her to look for alternative accommodation. When the petitioner has admitted to the violations, the impugned de-occupation notice issued against the petitioner cannot be faulted, having regard to the nature of representation the petitioner has made before the authority. From the proceedings dated 25.04.2024 of the first respondent produced by the petitioner's counsel, this Court finds that the petitioner earlier, challenging the locking and sealing & demolition notice dated 08.11.2022, filed a revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act before the Government and the Government, by order dated 05.04.2023, disposed of the said revision petition by directing the authority to issue revised locking and sealing & demolition notice indicating all the deviations/violations in the said building and to serve notice to all the owners/occupiers of the building. In compliance of the direction of the first



W.P.No.11189 of 2024

respondent only, fresh proceedings have been initiated as against the petitioner for locking and sealing the premises. When the impugned order has been passed after giving sufficient opportunity to the petitioner, this Court is unable to find any ground or valid reason to entertain the prayer to quash the impugned notice. However, considering the further prayer of the petitioner, this Court is inclined to grant three months time to the petitioner to seek alternative accommodation. Therefore, the order impugned shall be kept in abeyance for a period of three months from this date to enable the petitioner to remove her movables from the building. However, the official respondents are directed to take necessary enforcement action in accordance with law, in case the petitioner does not vacate the premises after removing the articles belonging to her from the subject premises within the time mentioned above. With this observation, the writ petition stands dismissed. Consequently, W.M.P.No.12266 of 2024 is also dismissed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
05.06.2024

SS



W.P.No.11189 of 2024

To

WEB COPY

1. The Principal Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009

2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008



WEB COPY



W.P.No.11189 of 2024

S.S.SUNDAR,J.
AND

N.SENTHILKUMAR,J.

SS

W.P.No.11189 of 2024

05.06.2024