



WEB COPY



W.P.No.15892 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM :

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

W.P.No.15892 of 2024

Jasmine George

..

Petitioner

v.

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

2. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 001

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

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, directing the first respondent to
consider and pass orders in the appeal petition dated 23.05.2024 filed under



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the Town & Country Planning Act dated 23.05.2024 filed by the petitioner challenging the Lock & Seal order vide Letter No.TP/ENF/092/2023 dated 16.05.2024, issued by the third respondent herein under Section 56 of Town and Country Planning Act, 1971 pertaining to the subject property situated at Door No.D8/2, D Block, 2nd Avenue Extension, Anna Nagar East, Chennai 600 102 and consequently forbear all further proceedings of the respondents from initiating any coercive action of locking and sealing for the subject property, pending disposal of the petitioner's appeal petition before the 1st respondent.

For Petitioner :: Mr.L.Chandrakumar

For Respondents :: Mr.M.R.Gokulkrishnan
 Additional Government Pleader
 for R1
 Mr.E.C.Ramesh
 Standing Counsel for R2 & R3

ORDER

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

This writ petition is filed by the petitioner for issuance of a mandamus to the first respondent to consider and dispose of the appeal petition dated 23.05.2024 filed under Section 80-A of the Town and Country Planning Act challenging the locking & sealing order bearing No.TP/ENF/092/2023 dated 16.05.2024 issued by the third respondent under Section 56 of Town and Country Planning Act, 1971 pertaining to the subject property situated at Door No.D8/2, D Block, 2nd Avenue Extension, Anna Nagar East, Chennai



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600 102 and consequently forbear the respondents from initiating any coercive action, pending disposal of the petitioner's appeal petition before the first respondent.

2. It is the case of petitioner that she is the bona fide owner of the subject property, which was purchased from one Mr.R.Swagath by way of a registered sale deed dated 13.03.2003 bearing Document No.947 of 2003 and she is in absolute possession and enjoyment of the scheduled property ever since the date of purchase along with her infirm mother in law and daughter. It is the case of petitioner that the subject property was developed after getting approval from the concerned authorities and the construction was put up as early as in 1991 itself and some minor alterations have been carried out since school going children and age old infirm person are residing in the subject property. However, the third respondent has passed the impugned lock and seal order dated 16.05.2024 citing unauthorised/deviated construction on the ground that the petitioner has not restored the building in tune with the sanctioned plan.

3. The learned counsel appearing for the petitioner submitted that as



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against the impugned locking & sealing order, the petitioner has preferred an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act before the first respondent and the same is pending.

4. Considering the fact that the petitioner has filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act before the first respondent as against the lock & seal order impugned in this writ petition, the first respondent is hereby directed to dispose of the appeal on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time an order is passed in the appeal petition and communicated to the petitioner, the respondents are directed to maintain status quo. The writ petition stands disposed of. Consequently, W.M.P.No.17330 of 2024 is closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
14.06.2024

SS

To

1. The Secretary to Government



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