



WP No.29668 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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1.Mrs.FathimaYakub
2.Mrs.GhousiaMoinudeen
3.Mr.Khader Hassan
4.Mrs.KhathijaMehtab : Petitioners

versus

1.The Additional Secretary (Technical)
Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai-600009.

2.The Member Secretary CMDA,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-08. :Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the first respondent to conduct the enquiry in the appeal dated 19.07.2024 filed by the petitioners challenging the Lock and Seal and Demolition Notice No.EC/S-I/4254/2003

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dated 27.06.2024 in respect of the premises bearing Flat Nos.T1, 3, 4, 5, 6, 7 (Block 1), Block 2 Ground plus 2 Floor, Block 3 Ground plus 1 Floor bearing Door No.27A and 28 Eldams Road, Alwarpet, Chennai-18, comprised in R.S.No.1545/46,47 and 48 Block No.30 of Mylapore Village within the limit of Chennai Corporation considering the materials submitted by the petitioners and consequently forbearing the second respondent from taking coercive steps pursuant to the Lock and Seal and Demolition Notice No.EC/S-I/4254/2003 dated 27.06.2024 and the interim order passed by the first respondent till the disposal of the appeal dated 19.07.2024 by the first respondent.

For the Petitioners : Mrs.Fathima Yakub

For the Respondents : Mr.Abishek Murthy
Government Advocate
for first respondent
Mr.C.Manohar
Standing Counsel
for second respondent

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

This writ petition is filed for a direction to the first respondent to conduct the enquiry in the appeal dated 19.07.2024 filed by the petitioners challenging the Lock and Seal and Demolition Notice No.EC/S-I/4254/2003



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dated 27.06.2024 in respect of the premises bearing Flat Nos.T1, 3, 4, 5, 6, 7 (Block 1), Block 2 Ground plus 2 Floor, Block 3 Ground plus 1 Floor bearing Door No.27A and 28 Eldams Road, Alwarpet, Chennai-18, comprised in R.S.No.1545/46,47 and 48 Block No.30 of Mylapore Village within the limit of Chennai Corporation considering the materials submitted by the petitioners and consequently forbearing the second respondent from taking coercive steps pursuant to the Lock and Seal and Demolition Notice No.EC/S-I/4254/2003 dated 27.06.2024 and the interim order passed by the first respondent till the disposal of the appeal dated 19.07.2024 by the first respondent.

2. According to the petitioner, he has filed an appeal dated 19.07.2024 before the first respondent under Section 80(A) & 80(3) of the Tamil Nadu Town and Country Planning Act, 1971 challenging the notice dated 27.06.2024, for compliance of planning permission of CMDA dated 24.10.2001. Pending the appeal, the premises in question have been locked and sealed on 18.09.2024. Hence, the petitioners have filed a petition dated 19.09.2024 for de-sealing the premises in question and the Government



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vide letter dated 20.09.2024 directed the CMDA to de-seal the premises in question for a period of ten days to enable the petitioners to take their goods from the building and re-seal after the expiry of the above said period. The second respondent has warned that the premises in question will be locked and sealed again. Hence the petitioners have filed the present writ petition.

3. Learned counsel for the petitioners submit that the construction of the premises in question has been completed in the year 2003 and the petitioners were in occupation of the said premises since 2003. While so, notice has been issued for locking and sealing of the premises in question. Subsequently, the petitioners have filed a petition dated 19.09.2024 for de-sealing the premises in question and the Government vide letter dated 20.09.2024 had directed the CMDA to de-seal the premises in question for a period of ten days to enable the petitioners to take their goods from the building and re-seal after the expiry of the above said period. Hence, he seeks to de-seal the premises in question for the occupation of the petitioners, till the disposal of the appeal filed before the Government.

4. Under Section 80 A of the Tamil Nadu Town and Country



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Planning Act, 1971, the appeal shall be disposed of by the Government within ninety days from the date of receipt of the appeal. Therefore, the first respondent is directed to dispose of the appeal dated 19.07.2024 on merits, as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order, after giving opportunity to the parties concerned. In the meantime, the respondents shall not take any coercive steps as against the petitioners.

5. With the above directions, the writ petition stands disposed of.

There shall be no order as to costs. Consequently, W.M.P.No.32322 of 2024.

[D.K.K., J.] [P.B.B., J.]
03.10.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To
1.The Additional Secretary (Technical)

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Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai-600009.

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2.The Member Secretary CMDA,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-08.

D.KRISHNAKUMAR, J.
and



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P.B. BALAJI, J.

(mrn)

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