



WEB COPY

W.P.No.16757 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM:

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.16757 of 2026

Mrs.T.Shanmugapriya
Wife of Mr.Udayabhaskar Reddy U
Represented by her Power Agent
Mr.Udayabhaskar Reddy U
Residing at First Floor, Old No.10
New No.23 Thanikachalam Road
T.Nagar, Chennai 600017.

..Petitioner

Vs

The Member Secretary
Chennai Metropolitan Development Authority
(CMDA)
Thalamuthu-Natarajan Maaligai
No.1 Gandhi Irwin Road
Egmore, Chennai 600008.

..Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, directing the respondent to remove the lock and unseal the petitioner's premises, basement of the building measuring a plinth area of 2750 sq.ft. in Block A of Appasamy Towers situate at Door Nos.16, 17 and 18 present New Door No. 29/A1 (17A/1) Sir Thyagaraya Road, T.Nagar, Chennai 600017 immediately and pass further orders.

For Petitioner:

Mr. Suresh
for M/s.Shivakumar and Suresh

For Respondent:

Mr.Akil Akbar Ali

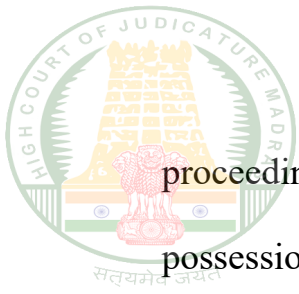


ORDER

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The petitioner herein, is the owner of the basement premises of the building in Block 'A' of Appasamy Towers situated at Door Nos.16, 17 and 18, Sir Thyagaraya Road, T. Nagar, Chennai 600 017, measuring a plinth area of 2750 sq.ft, which was purchased as per the Memorandum of Contract Agreement dated 19.08.1988, entered between the petitioner and one M/s Ravi Ram Builders, wherein an undivided share of land measuring 55/1710 in Schedule A property, measuring a total extent of 22626.5 sq ft from one V.Venkataraman, power agent of V.Subramani and 5 others, by way of a registered Sale Deed dated 11.11.1988 was registered as Doc.No.1624 of 1988 in SRO, Thyagarayanagar.

2. Having purchased the property from the builder, all revenue records stand in the name of the petitioner. The common portions, abutting the building and open spaces, are enjoyed in common by the owners / occupiers of the said property. The petitioner was also paying all the maintenance charges to M/s Sri Venkatachala Flat Owners Association. The petitioner had earlier given the said premises on lease basis to one Pelita Nasi Kandar International (P) Ltd for the purpose of running a restaurant since 01.01.2016, which is running its company in the first and mezzanine(ground) floor of the 'A' Block of the said complex. Later, the petitioner has filed RLTOP against the lessee / Pelita Nasi Kandar International (P) Ltd on the ground of arrears of rent. During the above said



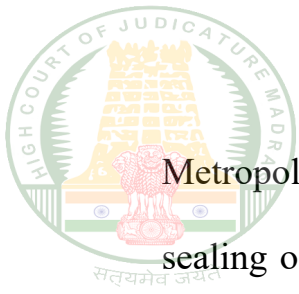
proceedings, the lessee vacated the subject premises and handed over the vacant possession of the property as evidenced from the order dated 3.12.2021 passed

in RLTOP No.425 of 2020 on the file of Small Causes Court, Chennai.

Meanwhile, on 06.04.2026, when the petitioner visited the property, to her shock and surprise, she found that the subject premises has been locked and sealed by the respondent/ CMDA.

3. The contention of the learned counsel for the petitioner is that prior to the said lock and seal of the subject premises, no notice was given to the petitioner, who is the owner of the premises, as required under Section 56 of the Tamil Nadu Town and Country Planning Act. Moreover, the respondent has sealed the premises of the petitioner without giving 30 days mandatory notice. Upon verification with the respondent's office, it is found that based on the complaint given by the Building complex owners' Association viz. M/s Sri Venkatachala Flat Owners' Association against the petitioner, the respondent has sealed the said premises. Subsequently, the petitioner made a representation dated 09.04.2026 to de-seal the premises. Till date, no action has been taken by the respondent/CMDA. Aggrieved against the same, the petitioner has preferred the present writ petition.

4. Learned Standing counsel appearing for the respondent/CMDA, upon instructions received from Mr.Prithiviraj. Assistant Planner, Chennai

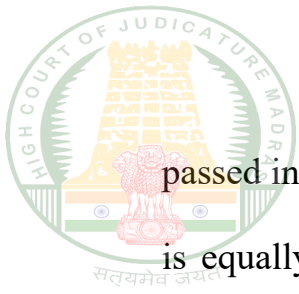


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Metropolitan Development Authority (CMDA) would submit that prior to the sealing of premises, no procedure has been followed and no notice came to be issued to the petitioner. He would further submit that the restaurant, which is situated in the first and mezzanine(ground) floor of the 'A' Block of the said complex was sealed on 11.09.2025. However, inadvertently the petitioner's premises which is situated in the basement of the same complex was also sealed by the respondent/CMDA on 16.03.2026. However, the learned standing counsel agreed for de-sealing of the petitioner's premises and appropriate proceedings will be initiated, if any, as per the procedures of Chennai Metropolitan Development Authority (CMDA).

5. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent and perused the materials placed before this Court.

6. The facts and circumstances of the case are not in dispute. Admittedly, the petitioner, who is the owner of the subject property has given the said premises on lease basis to one Pelita Nasi Kandar International (P) Ltd for the purpose of running a restaurant since 01.01.2016. Later, the petitioner filed RLTOP against the said restaurant for eviction on the ground of arrears of rent and the restaurant vacated the petitioner's premises and handed over the vacant possession of the said property as evidenced from the order dated 03.12.2021

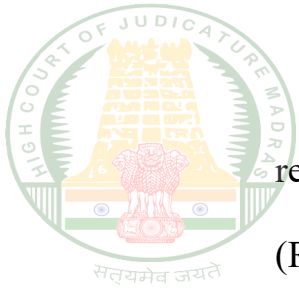


passed in RLTOP No.425 of 2020 on the file of Small Causes Court, Chennai. It is equally undisputed that the respondent / CMDA has locked and sealed the restaurant which is situated in the first and mezzanine(ground) floor and notice regarding the same was issued only to the owner of the restaurant in the year 2026. Even though the possession of the restaurant was handed over to the file of Small Causes Court, Chennai, the property of the petitioner, which is situated at the basement of the subject premises came to be locked and sealed by the respondent / CMDA on 16.03.2026, without issuance of prior notice to the petitioner, which is indispensable.

7. Considering the facts and circumstances of the case, without issuing prior notice to the petitioner and without conducting enquiry in respect of violation, sealing the petitioner's premises (basement) from 16.03.2026 is not a tenable one. Accordingly, the Writ Petition stands disposed of with the following directions:

(i) there shall be a direction to the respondent/ CMDA to pay a sum of **Rs.75,000/-** (Rupees Seventy Five Thousand only) to the petitioner as a reasonable costs towards the loss sustained by the petitioner for his premises (basement) from 16.03.2026 to till date.

(ii) the respondent/ CMDA also de-seal the premises of the petitioner **by today (02.06.2026) itself**, failing which, the



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respondent / CMDA shall pay a further costs of Rs.1,00,000/- (Rupees One Lakh only) to the petitioner. It is also made clear that the above said penalty amount of Rs.75,000/- (Rupees Seventy Five Thousand only) shall be recovered from the erred official who sealed the premises of the petitioner, without following due process of law.

02-06-2026

Note: Issue Order copy today (02.06.2026)

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:

The Member Secretary
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu-Natarajan Maaligai
No.1 Gandhi Irwin Road
Egmore, Chennai 600008.



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M.DHANDAPANI J.

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Order made in
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