

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.27865 of 2015 and M.P.No.1 of 2015

MARG Properties
represented by its Authorised Signatory
P. Vinil Reddy
No.4/318, Rajiv Gandhi Nagar
Kotttivakkam
Chennai 600 041

Petitioner

Vs.

- 1 The Executive Engineer
Thiruporur Panchayat Union
Thiruporur
Kancheepuram District
- 2 The Member Secretary
Mamallapuram Local Planning Authority
Opp. Five Rathas
Mamallapuram
Kancheepuram District
- 3 Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development
Fort St. George
Chennai 600 009

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking, sealing and demolition pursuant to proceedings Na.Ka.No.45/2015 dated 27.07.2015 with regard to the building put up at S.No.159/2B, 192/1, 194/1, 2,3,195/1(Part), 2, 3 at Kalavakkam Village, Thiruporur Panchayat Union limit, pending determination of the revision petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 31.07.2015.

For petitioner Mr. R. Mohan
For RR 1 & 2 Mr. P. Sanjay Gandhi

For R3 Mrs. A. Srijayanthi
Special Government Pleader

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

With the consent of the parties, the writ petition is taken up for final disposal.

2 This writ petition is filed seeking a writ of mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking, sealing and demolition of the petitioner's premises pursuant to the locking, sealing and demolition notice dated 27th July 2015, pending final determination of the petitioner's revision petition filed challenging the said notice.

3 From a perusal of the records, it is seen that the petitioner has been issued with locking, sealing and demolition notice dated 27th July 2015 by the first respondent under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, whereby and whereunder, the petitioner has been called upon to restore the building to its original condition within a period of 30 days from the date of receipt of that notice. Thereagainst, the petitioner has preferred a revision petition before the third respondent on 31st July 2015 under Section 80-A of the Act, which is pending consideration.

4 It is brought to our notice that in the meantime, the building in question has been sealed. Even otherwise, pursuant to the notice, the next stage is sealing of the building, if the direction issued under the notice is not complied with. Since the building has been sealed and inasmuch as it appears to be unoccupied, no further direction is necessary, at this stage. We, however, direct the third respondent-Government to examine the petitioner's revision petition on its own merits and in accordance with law, after affording an opportunity of hearing to all the concerned parties, as expeditiously as possible.

5 The writ petition stands disposed of with the above direction. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

cad

To

1 The Executive Engineer
Thiruporur Panchayat Union
Thiruporur, Kancheepuram District

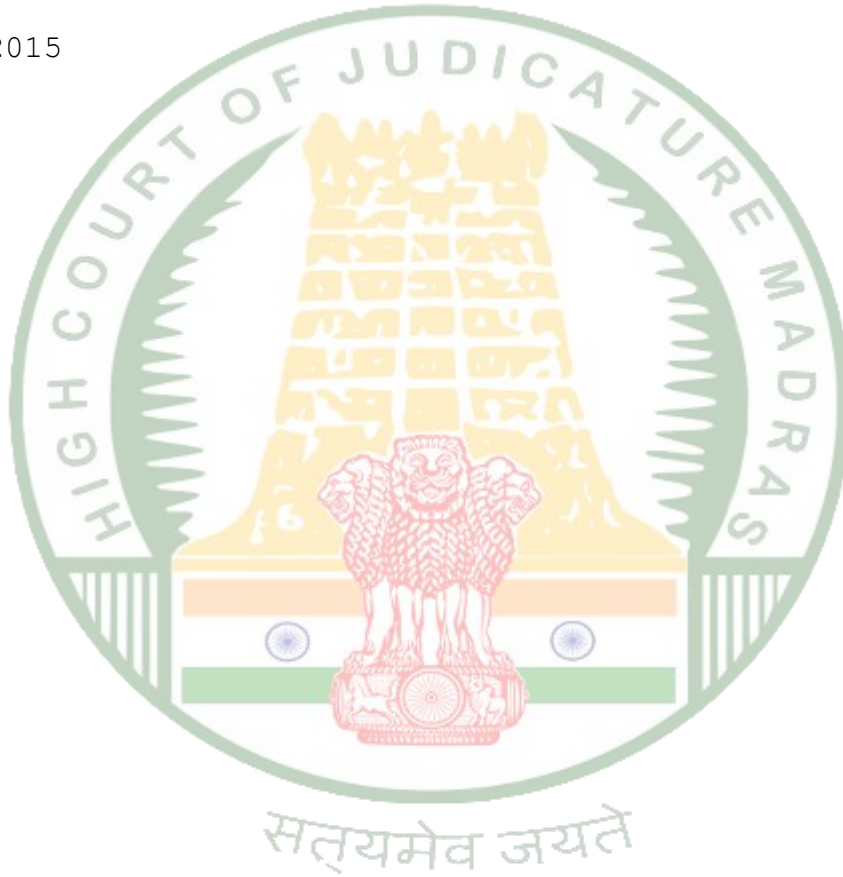
2 The Member Secretary
Mamallapuram Local Planning Authority
Opp. Five Rathas
Mamallapuram, Kancheepuram District

3 The Secretary to Government
Housing and Urban Development
Government of Tamil Nadu
Fort St. George, Chennai 600 009.

1 cc to Mr.R. Mohan , Advocate Sr.No.48624
1 cc to Government Pleader.Sr.No.48827

W.P. No.27865 of 2015

tej(co)
pmk.14.9.2015



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