

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.30595 of 2015

M. Abdul Kareem Sait

... petitioner

Vs

- 1 The Government of Tamil Nadu
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George Chennai-9.
2. Chennai Metropolitan Development
Authority rep. By its Member Secretary,
No.1 Gandhi Irwyn Road,
Egmore, Chennai.8. ... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the 1st respondent relating to their Letter No.15899/ UD-6(2)/ 2015-1 dated 16.9.2015 pertaining to rejection of the Appeal under Section 80-A of the Town and country Planning Act, 1971, as premature one and quash the same and direct the 2nd respondent to forbear from interfering with the petitioner's building at Door No.45(22) Armenian Street, Chennai 600 001 in any manner, particularly by way of Locking and Sealing and Demolition of the same.

For petitioner : Mr. D.S. Rajasekaran

For Respondents : Mr.P.S.Sivashanmugasundaram,
Spl.Govt.Pleader - R1
Mr. N. Sampath - R2

ORDER

(Order of the Court was delivered by SATISH K.AGNIHOTRI,J.,)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice for the first respondent. Mr. N. Sampath, learned counsel, accepts notice for the second respondent. With the consent of the learned counsel for the

parties, this writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking to quash the order of the first respondent dated 16.09.2015 wherein the petitioner's appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "The Act"), has been rejected as premature and also for a direction to forbear the second respondent from interfering with the petitioner's building in question, by way of Locking and Sealing and Demolition of the same.

3. The issue involved herein as to whether the Special Revision under Section 80-A of the Act is maintainable against the decision taken under the provisions of Sections 56 (2-A) and 57 (4) of the Act, without insisting on the locking and sealing of the premises.

4. This Division Bench, in the judgment delivered today, considered the aforesaid issue, in extenso, in Lalithkumar C. Soni - Vs. - Government of Tamil Nadu and others¹ and held as under:-

" (15). We therefore hold that a special revision petition under Section 80-A of the Act is maintainable before the Government against the decision taken by the appropriate Planning Authority in respect of locking and sealing the premises under sub Section (2-A) of Section 56 or under sub section (4) of Section 57, even before resorting to the act of locking and sealing. In short, sealing the premises is not a condition precedent for filing special revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 as amended by Tamil Nadu Act 61 of 2008.

16. In the result, the impugned orders are set aside. The petitioners are given liberty to represent the special revision petitions under Section 80-A of the Act. In case of such re-presentation within a period of two weeks from today, every effort shall be taken by the Government to dispose of the matter within the statutory period.

17. In the upshot, we allow the Writ Petitions."

1 W.A.Nos. 16392 of 2015 batch.

5. In that view of the matter, this writ petition is allowed and the impugned order is set aside on the same terms. No costs. Consequently, connected miscellaneous petition is closed.

ra

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1 The Secretary to Government,
Government of Tamil Nadu
Housing and Urban Development Department,
Fort St. George Chennai-9.

2. Member Secretary,
Chennai Metropolitan Development
No.1 Gandhi Irwin Road,
Egmore, Chennai.8.

+ 1 cc to M/s.N.Sampath, Advocate SR 53204

+ 1 cc to M/s.D.S.Rajasekaran, Advocate SR 52718

+ 1 cc to Govt.Pleader SR 52878

rsi(co)
prk27/10

W.P. No.30595 of 2015

सत्यमेव जयते

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