

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.32312 of 2015 and M.P. Nos.1 & 2 of 2015

V. Elliot Lionel Samson Petitioner
vs.

- 1 State of Tamil Nadu
represented by its Secretary
Housing & Urban Development Department
Fort St. George
Chennai 600 009
- 2 Chennai Metropolitan Development Authority (CMDA)
represented by its Member Secretary
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008
- 3 Corporation of Chennai
represented by its Executive Engineer
TP Enforcement
Regional Office - Central
II Cross Street (East) Pulla Avenue
Shenoy Nagar
Chennai 600 030

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents from locking, sealing, demolishing or taking any other coercive steps of disturbing the petitioner's peaceful possession and enjoyment of the property situated at Door No.5, Block No.334, Galaxy Apartments, 12th Main Road, II Avenue Anna Nagar, Chennai 600 040, without disposing of the petitioner's revision petition dated 28.09.2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 on the file of the first respondent.

For petitioner : Mr. S.K. Kumaran
for Mr. : I. Jesu

For R1 : Mr. N. Sakthivel, Govt. Advocate

For R2 : Mr. K. Raja Srinivas, Standing Counsel

For R3 : Mr. R. Arunmozhi, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the first respondent. Mr. K. Raja Srinivas, learned Standing Counsel, accepts notice for the second respondent. Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for the third respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner has come up with this writ petition seeking a direction forbearing the respondents from locking, sealing or demolishing or taking any other coercive steps of disturbing his peaceful possession and enjoyment of the property situated at Door No.5, Block No.334, Galaxy Apartments, 12th Main Road, II Avenue Anna Nagar, Chennai 600 040, without disposing of the his revision petition dated 28 September 2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") on the file of the first respondent.

3 It is stated by the learned counsel for the petitioner that pursuant to the de-occupation notice dated 25 September 2014, the petitioner has preferred the aforestated revision petition under Section 80-A of the Act which is still pending consideration. Thus, a direction be issued to the authorities not to take any action against the petitioner, pursuant to the aforestated de-occupation notice, till the disposal of his revision petition.

4 On a perusal of the so-called revision petition, we notice that the same is under the caption "W.P.". The petitioner is at liberty to amend the caption, if so advised. Further, it is noticed that there is no application for interim relief as it is permissible under Section 80-A(3) of the Act. For want of an application for interim relief, we cannot issue any direction. The provisions of the Act themselves provide time limit for disposal of the revision petition. Accordingly, the authorities are directed to consider and decide the revision petition on its own merits and in accordance with law within the statutory period.

5 The writ petition stands disposed of accordingly. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

cad

To

- 1 The Secretary
Housing & Urban Development Department
State of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority (CMDA)
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008
- 3 The Executive Engineer
Corporation of Chennai
TP Enforcement
Regional Office - Central
II Cross Street (East) Pulla Avenue
Shenoy Nagar, Chennai 600 030

+1 cc to Mr.I Jesu, Advocate (sr.55428)
+1 cc to K.Rajasrinivas, Advocate (sr.55933)
+1 cc to R.Arunmozhi, Advocate (sr.56146)
+1 cc to Government Pleader (sr.56025)

AD(co)
cp 27/10/2015

W.P. No.32312 of 2015