

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2016

CORAM

THE HON'BLE Mr.JUSTICE K.KALYANASUNDARAM
and
THE HON'BLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.18008 of 2016
and W.M.P.No.15801 of 2016

1.Nitesh N.Shah
2.Rajesh M.Mehta
3.Anitha J.Jain ..Petitioners

Vs

1.The Corporation of Chennai,
Rep by its Commissioner,
Ripon Building, Chennai-3.
2.The Executive Engineer,
Town Planning [Enforcement]
O/o.Regional Deputy Commissioner [North],
Corporation of Chennai,
Basin Bridge Road, Chennai-21.
3.The Government of Tamil Nadu,
Rep by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9. ..Respondents

Petition filed under Article 226 of the Constitution of India praying for Writ of Mandamus forbearing the 1st and 2nd respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.29/15, Perumal Mudali Street, Sowcarpet, Chennai-79 pending determination of the Revision petition submitted by the petitioners under section 80-A and 80-A (3) of the Tamilnadu Town and Country Planning Act dated 02.05.2016.

For Petitioners : Mr.L.Chandrakumar
For 1st Respondent : Mr.R.Arulmozhi
Standing Counsel for
Corporation
For Respondents
2 and 3 : Mr.P.Sanjay Gandhi, AGP

O R D E R

[Order of the court made by K.KALYANASUNDARAM, J.]

The Writ Petition is filed to issue a Writ of Mandamus forbearing the 1st and 2nd respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.29/15, Perumal Mudali Street, Sowcarpet, Chennai-79 pending determination of the Revision petition submitted by the petitioners under section 80-A and 80-A (3) of the Tamilnadu Town and Country Planning Act dated 02.05.2016.

2. Heard the learned counsel for the petitioners, learned Standing Counsel appearing for the 1st respondent/Corporation and the learned Additional Government Pleader appearing for the respondents 2 and 3.

3. The petitioners have filed statutory revision before the 3rd respondent, challenging the Notice, dated 19.02.2016. The Special Revision Petition was preferred on 02.05.2016, within few days from the date of receipt of the impugned order. According to the petitioners, the 3rd respondent has not taken up the said revision and as such, there is a possibility of sealing the premises by the 1st respondent. The petitioners have produced copy of the Revision Petition filed under Section 80-A of the Tamil Nadu Town and Country Planning Act and the stay petition filed under Section 80-A (3) of the said Act.

4. Mr.P.Sanjay Gandhi, the learned Additional Government Pleader, would submit that the stay petition would be disposed of within two weeks from the date of receipt of a copy of this order.

5. We direct the 3rd respondent to consider and dispose of the stay petition filed by the petitioners, on merits and in accordance with law, as expeditiously as possible, and in any case, within a period of two weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi/gya

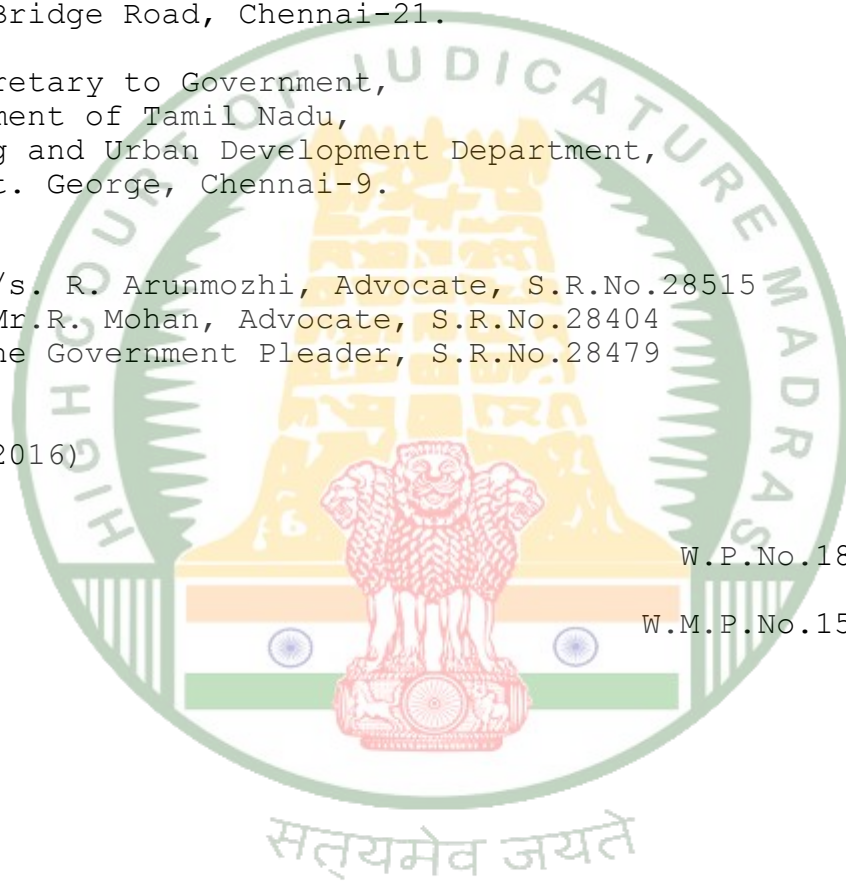
To

- 1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-3.
- 2.The Executive Engineer,
Town Planning [Enforcement]
O/o.Regional Deputy Commissioner [North],
Corporation of Chennai,
Basin Bridge Road, Chennai-21.
- 3.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

+1cc to M/s. R. Arunmozhi, Advocate, S.R.No.28515
+3ccs to Mr.R. Mohan, Advocate, S.R.No.28404
+1cc to the Government Pleader, S.R.No.28479

EU(31/05/2016)

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and
W.M.P.No.15801 of 2016



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