

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.18445 of 2016
and W.M.P.No.16155 of 2016

M/s.Photon Infotech Private Limited,
Represented by its Managing Director
Mr.Srinath Iyengar,
registered office at 7, 7th Cross Street,
Adyar, Chennai - 600 020.Petitioner

Vs.

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

2.Corporation of Chennai,
Rep. by its Commissioner,
Rippon Building, Chennai - 3.

3.The Chennai Metropolitan Development
Authority (CMDA),
Rep. by its Secretary to Government,
1, Gandhi Irwin Road,
Egmore, Chennai - 8.

4.The Executive Engineer,
Corporation of Chennai,
Enforcement - Region Central,
2nd Cross Street, Pulla Avenue,
Chennai. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents or any other officials on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the petitioners flat bearing no. Flat No.1D, Centralis Apartment, No.27, ABM Avenue, Boat Club Road, RA Puram, Chennai - 28 under Town and Country Planning Act

pending disposal of petition dated 23.05.2016 pending on the file of the first respondent for rehearing of the application filed under Section 80A of the Town and Country Planning Act by the petitioner in the light of the revised plan submitted by the builder with third respondent.

For Petitioner : Mr.V.Seshadri

For Respondents

R1 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

R2 & R4 : Mr.R.Arunmozhi

R3 : Mr.C.Johnson

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This writ petition is filed praying to issue a writ of Mandamus, forbearing the respondents or any other officials on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the petitioners flat bearing Flat No.1D, Centralis Apartment, No.27, ABM Avenue, Boat Club Road, RA Puram, Chennai - 28 under Town and Country Planning Act pending disposal of petition dated 23.05.2016 pending on the file of the first respondent for rehearing of the application filed under Section 80A of the Town and Country Planning Act by the petitioner in the light of the revised plan submitted by the builder with third respondent.

2.Heard the learned counsel for the petitioner, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader for the first respondent, Mr.R.Arunmozhi, learned counsel for the respondents 2 and 4 and Mr.C.Johnson, learned counsel for the third respondent.

3.It is averred by the petitioner that he has filed a Special Revision Petition on 02.03.2016 before the first respondent under Section 80A of the Town Planning Act as against the locking and sealing notice issued by the second respondent on 23.02.2016 and the same is pending consideration. In the meanwhile, the first respondent has issued the Locking & Sealing and Demolition Notice dated 09.05.2016 asking to remove the construction made in the common terrace, failing which, the common terrace shall be put to lock and seal by the Corporation. Thereafter, the petitioner submitted a request letter to the first respondent on 23.05.2016 to stay the order dated 09.05.2016, but, the same is also pending consideration. Therefore, the present writ petition has been filed.

4.We have gone through the averments made in the writ petition and the submissions made on either side.

5.Considering the facts and circumstances of the case, this Court is of the considered view that it would suffice to direct the first respondent not to take any coercive steps. Accordingly, the respondents are directed not to take any coercive steps in respect of the building of the petitioner till a decision is taken in accordance with law on the request of the petitioner dated 23.05.2016. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

cse

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.
- 3.The Secretary to Government,
The Chennai Metropolitan Development
Authority (CMDA),
1, Gandhi Irwin Road,
Egmore, Chennai - 8.
- 4.The Executive Engineer,
Corporation of Chennai,
Enforcement - Region Central,
2nd Cross Street, Pulla Avenue, Chennai.

- 1 cc to M/s.R.Arunmozhi, Advocate, sr.30227
1 cc to Government Pleader, Advocate, 30951
1 cc to Mr.C.Johnson, Advocate, sr.36266
1 cc to M/s.V.Seshadri, Advocate, sr.30242

W.P.No.18445 of 2016
and W.M.P.No.16155 of 2016

rsi co
kra 24.06.2016