

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2016

CORAM

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

Writ Petition No.18571 of 2016
and WMP.No.16277 of 2016

A.Marimuthu

...Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep.by its Secretary
Housing and Urban Development
Rep.by its Secretary
Fort St. George, Chennai-9.
- 2 The Commissioner
Corporation of Chennai
Ripon Building
Chennai-3.
- 3 Executive Engineer
(Enforcement Region Central)
- 4 The Assistant Executive Engineer
Unit 26
- 5 The Junior Engineer
Division 117

Respondents 3 to 5 having office at
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai-600 030.

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to dispose of the appeal filed under Section 80-A of the Tamil Nadu Town and Country Act dated 06.05.2016 as against the locking sealing and demolition notice dated 20.04.2016 dispatched on 25.04.2016 bearing Ref. No. REGIONCENTRAL/ TPENF/ 1771/2016.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.P.S.Sivashanmuga Sundaram
Spl.G.P. for R1
Mr.R.Arunmozhi, Standing Counsel
for R2

O R D E R

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

This Writ Petition is filed seeking for a direction to the first respondent to dispose of the appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act.

2. The third respondent issued the Locking & Sealing and Demolition Notice dated 20.04.2016 under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, [hereinafter called as the "Act"] as against the construction of building carried out by the petitioner in Door No.56, 56A, Thirukalaipillai Road, T.Nagar, Chennai-17. Aggrieved by the said notice, the petitioner filed appeal dated 06.05.2016 before the 1st respondent, under Section 80A of the Act seeking to quash the same along with stay petition. Since no order has been passed on the same, the petitioner is before this Court by filing the present petition.

3. Heard the learned counsel for the petitioner, learned Special Government Pleader for the first respondent and the Standing counsel for the 2nd respondent.

4. Calling for the approved plan and treating the entire construction carried out by the petitioner as unauthorized construction, the third respondent-Executive Engineer, Corporation of Chennai, issued Locking & Sealing and Demolition Notice dated 20.04.2016. The notice further directed the petitioner to remove the unauthorized construction within 30 days.

5. The learned counsel for the petitioner submits that the statutory authorities granted permissions at various stages of construction and therefore, the petitioner has also made substantial changes to the structure with the permission of the authorities, however, the third respondent, all of a sudden, issued the Locking & Sealing and Demolition Notice dated 20.04.2016 to the petitioner.

6. The learned counsel for the petitioner further submits that the petitioner has got a serious apprehension that his construction may be demolished without passing any orders in his

appeal dated 06.05.2016.

7. In reply, the learned Standing counsel for the Corporation of Chennai submitted that the respondent authorities will not take any coercive action immediately. He further submitted that the first respondent may be directed to consider and dispose of the appeal dated 06.05.2016 filed by the petitioner within the statutory period of 90 days.

8. Considering the submissions made on either side, we direct the first respondent to consider and dispose of the appeal dated 06.05.2016 filed by the petitioner within the statutory period of 90 days. Till then, the Corporation Authorities shall not take any coercive action against the petitioner.

9. The petitioner is also directed to file objections, if any, to the the concerned authorities to redress his grievance along with a copy of this order. The respondent-authorities shall consider the objections, if any filed by the petitioner within the statutory period and take action in accordance with law after affording sufficient opportunity to the petitioner.

10. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected MP is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1 The Secretary, Housing and Urban Development
Rep.by its Secretary, Fort St. George, Chennai-9.
- 2 The Commissioner, Corporation of Chennai, Ripon Building
Chennai-3.
- 3 Executive Engineer, (Enforcement Region Central)
2nd Cross Street (East), Pulla Avenue, Shenoy Nagar,
Chennai 30.
- 4 The Assistant Executive Engineer, Unit 26
2nd Cross Street (East), Pulla Avenue, Shenoy Nagar,
Chennai 30.

5 The Junior Engineer, Division 117
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar , Chennai-600 030.

1 cc to Government Pleader, sr.29820
1 cc to V.Raghavachari, Advocate, sr.29304
1 cc to M/s.R.Arunmozhi, Advocate, s.29356

W.P.No.18571 of 2016

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kra 21.06.2016



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