

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM

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

W.P.No.20927 of 2016
and
W.M.P.No.17928 of 2016

M/s Olympic Cards Ltd.,
rep.by its Managing Director
Mr.H.Noor Mohammed
No.18 (54), Chinnathambi Chetty Street
Kotaval Chavadi, Sowcarpet
Chennai 600 001 Petitioner

-Vs-

1. The Government of Tamil Nadu
rep.by its Secretary
Housing and Urban Development Department
Secretariat
Chennai 600 009
2. The Regional Deputy Commissioner
Greater Chennai Corporation (North Zone)
62, Basin Bridge Road, Old Washermanpet
Chennai 600 021
3. The Executive Engineer
RDC (North Office) Zone-V
Greater Chennai Corporation
Chennai
4. The Assistant Executive Engineer
Division-57, Unit 13, Zone V
Greater Chennai Corporation
Park Town
Chennai 600 001

... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the third
and fourth respondents to forbear them from in any way
interfering with the building at No.18(54), Chinnathambi Chetty

Street, Kotaval Chavadi, Sowcarpet, Chennai 600 001, particularly by way of locking and sealing and demolition pending final determination of the appeal dated 17.05.2016 pending with the first respondent under section 80(A) of the Town and Country Planning Act, 1971.

For Petitioner : Mrs.AL.Ganthimathi for
Mr.B.Singaravelu

For Respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader for R1
Mr.R.Arunmozhi for R2 to R4

ORDER

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

Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader is directed to take notice on behalf of the first respondent. Mr.R.Arunmozhi, learned standing counsel is directed to take notice on behalf of the respondents 2 to 4.

2. The petitioner seeks for issuance of a writ of mandamus forbearing the third and fourth respondents from in any way interfering with the building at No.18(54), Chinnathambi Chetty Street, Kotaval Chavadi, Sowcarpet, Chennai 600 001, particularly by way of locking and sealing and demolition, pending final determination of the appeal dated 17.05.2016 with the first respondent under section 80(A) of the Town and Country Planning Act, 1971.

3. Heard the learned counsel for the parties.

4. The petitioner is said to have purchased the property at Door No.18 (54), Chinnathambi Street, Kotaval Chavadi, Sowcarpet, Chennai during 2009 and since then, they are in peaceful possession and enjoyment of the property. The petitioner is also said to have obtained the planning and building permission from the third respondent and constructed ground plus two floors without any deviations and the said property was also assessed to tax. Having obtained the electricity connection etc., notice is sought to be issued for de-occupation by the third and fourth respondents against the petitioner, without a final decision being taken in the appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 by the first respondent/appellate authority.

5. In such circumstances, we direct the first respondent to consider the appeal filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act on merits and pass appropriate orders in accordance with law within a period

of two months from the date of receipt of a copy of this order. In the mean while, both the parties shall maintain status quo. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.17928 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department
Fort St.George
Chennai 600 009
2. The Regional Deputy Commissioner
Greater Chennai Corporation (North Zone)
62, Basin Bridge Road, Old Washermanpet
Chennai 600 021
3. The Executive Engineer
RDC (North Office) Zone-V
Greater Chennai Corporation
Chennai
4. The Assistant Executive Engineer
Division-57, Unit 13, Zone V
Greater Chennai Corporation
Park Town
Chennai 600 001

+1cc to Mr.B.Singaravelu, Advocate, S.R.No.34430
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.34129

W.P.No.20927 of 2016

GJ(CO)
CA(04/07/2016)