

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.21029 of 2016

R.Sabapathy

... Petitioner

-Vs-

1. Chennai Metropolitan Development Authority
rep.by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

2. Government of Tamil Nadu
rep.by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the first respondent or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old No.7, New No.18, Ramanathan Street, T.Nagar, Chennai-17 pending determination of the Special Revision Petition dated 09.06.2016 submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.C.Johnson for R1
Mr.P.S.Sivashanmugasundaram
Special Government Pleader for R2

ORDER

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

The petitioner is before this Court seeking for issuance of a writ of mandamus forbearing the first respondent or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old No.7, New No.18, Ramanathan Street, T.Nagar, Chennai-17, pending determination of the Special Revision Petition dated 09.06.2016 submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act.

2. The petitioner, being the owner of the above property, is said to have put up new construction after obtaining planning permission from the Corporation and also paying the tax regularly. According to the petitioner, there is no violation except for minor variations, which would not come in the way of the approved plan for construction of basement + stilt cum ground + two floors. Due to minor projections, the first respondent authority sought to initiate action. In this regard, the petitioner has also preferred a special revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the second respondent. Pending disposal of the same and without considering the reply of the petitioner that the minor deviations are not coming in the way of the approved plan, the first respondent authority is threatening the petitioner of initiating action to lock and seal the premises.

3. Having heard the learned counsel for the parties, we direct the second respondent to consider the special revision petition 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.17993 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. The Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009.

+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.34080
+1cc to Mr.C.Johnson, Advocate, S.R.No.34311
+1cc to the Government Pleader, S.R.No.34728

W.P.No.21029 of 2016

MG(CO)
CA(01/07/2016)