

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2016

CORAM

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

Writ Petition No.21211 of 2016
and WMP.No.18131 of 2016

P.C.Shyam Sundar

...Petitioner

Vs.

- 1 Government of Tamilnadu
Rep.by its Secretary to Government
Housing & Urban Development Department
Secretariat
Chennai-600 009.
- 2 Greater Chennai Corporation
Rep.by its Regional Deputy Commissioner (North)
No.61, Basin Bridge Road
Chennai- 600 021.
- 3 Corporation of Chennai
Rep.by its Executive Engineer
Zone V, Division 59
No.61, Basin Bridge Road
Chennai-21.

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 2nd & 3rd respondents from in anyway interfering with the premises bearing Door No.97 (143), Rajappa Street, Edapalayam, Chennai-600 003 particularly by way of Locking and Sealing and or Demolition pending disposal of the application under Section 80 (A) and 80(A)(3) of the Town and Country Planning Act 1971 by the 1st respondent.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mrs.A.Sri Jayanthi,
Spl.Government Pleader for R1
Mr.R.Arunmozhi for R2 and R3

O R D E R

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

Heard Mr.D.S.Rajasekaran, learned counsel for the petitioner, Mrs.A.Srijayanthi, learned Special Government Pleader, who accepts notice for Respondent No.1 and Mr.R.Arunmozhi, learned Standing Counsel for Respondents 2 and 3.

2. This Writ Petition is filed praying to issue a Writ of Mandamus forbearing the 2nd & 3rd respondents from in anyway interfering with the premises bearing Door No.97 (143), Rajappa Street, Edapalayam, Chennai-600 003 particularly by way of Locking and Sealing and or Demolition pending disposal of the application under Section 80(A) and 80(A)(3) of the Town and Country Planning Act 1971, by the 1st respondent.

3. It is averred in the Writ Petition that the petitioner constructed the building in the above mentioned address after obtaining building permit vide order dated 15.04.2013 and due to certain deviations in the property, the 3rd respondent-Corporation of Chennai, has issued Locking and Sealing Notice on 29.04.2016. It is further stated that the petitioner preferred statutory application under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, however, till date, the 1st respondent has not passed any orders in the said application.

4. The learned Special Government Pleader appearing for Respondent No.1, who was directed to take notice, submits that eight weeks time may be given to pass necessary orders in the statutory application filed under Section 80A of the Act.

5. In the light of the said submission, we direct the 1st respondent to consider the application dated 10.06.2016 preferred by the petitioner, under Section 80(A) and 80(A)(3) of the Town and Country Planning Act 1971 and pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Till the disposal of the said application, there shall be an order of status quo.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP.18131 of 2016 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1 Government of Tamilnadu
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Housing & Urban Development Department
Secretariat
Chennai-600 009.
W.P.No.21211 of 2016
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No.61, Basin Bridge Road
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- 3 Corporation of Chennai
Rep.by its Executive Engineer
Zone V, Division 59
No.61, Basin Bridge Road
Chennai-21.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.34570
+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.34373
+1cc to the Government Pleader, S.R.No.34734

W.P.No.21211 of 2016

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