

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.21361 of 2016
and WMP.No.18285 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.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 1st 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 New Door No.2 and 29/16, Old Door No.41, Duraisamy Road, 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, SC for R1
Mrs.A.Sri Jayanthi,
Spl.Govt.Pleader for R2

O R D E R

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

Heard the learned counsel for the petitioner, Mr.C.Johnson, learned Standing Counsel, who accepts notice for the 1st respondent and Mrs.A.Srijayanthi, who accepts notice on behalf of the 2nd respondent.

2. This Writ Petition is filed praying to issue a Writ of Mandamus forbearing the 1st 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 New Door No.2 and 29/16, Old Door No.41, Duraisamy Road, 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.

3. It is averred in the Writ Petition that the petitioner obtained planning permission from Corporation of Chennai and put up construction, however, thereafter, the 1st respondent-CMDA, has issued Locking and Sealing and Demolition Notice vide letter dated 30.05.2016 under Sections 56 and 57 of the Town and Country Planning Act and also referred to the extent of deviations. It is further stated that the petitioner preferred Special Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, on 09.06.2016. Now, the learned counsel for the petitioner prayed this court to issue a suitable direction to the 2nd respondent to dispose of the said Special Revision Petition.

4. The learned Special Government Pleader, who was directed to take notice on behalf of Respondent No.2, submits that eight weeks time may be given to pass necessary orders in the Special Revision filed under Section 80-A of the Act.

5. In the light of the said submission, we direct the second respondent to consider the Special Revision dated 09.06.2016 preferred by the petitioner, under Section 80-A 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 MP is closed.
nvsri

s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi-Irwin Road
Egmore Chennai-600 008.

2 The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Secretariat
Chennai-600 009

+ 1 cc to Mr.D.S.Rajasekaran, Advocate SR 34375

+1 cc to Mr.C.Johnson,advocate,sr.34514 (26/9)

kgk(co)
prk15/7

W.P.No.21361 of 2016



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