

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2016

CORAM

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

W.P.No.21538 of 2016
and
WMP.No.18410 of 2016

G.R.Radhakrishnan ... 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 New No.7, Old No.4, Rangan Street, T.Nagar, Chennai 600 017 pending determination of the Special Revision Petition dated 10.06.2016 submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act to the second respondent.

For Petitioner :: Mr.P.Ramanathan

For Respondents:: Mr.C.Johnson for R1
Mrs.A.Srijayanthi
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 New No.7, Old No.4, Rangan Street, T.Nagar, Chennai-17, pending determination of the Special Revision Petition dated 10.06.2016 submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act before the second respondent.

2. Heard the learned counsel for the petitioner. Mr.C.Johnson, learned standing counsel is directed to take notice on behalf of the first respondent and Mrs.A.Srijayanthi, learned Special Government Pleader is directed to take notice on behalf of the second respondent.

3. It appears that in respect of the property situated at New No.7, Old No.4, Rangan Street, T.Nagar, Chennai-17, the petitioner is said to have put up construction after obtaining permission from the Corporation. Alleging some minor deviation, a notice of lock and seal was issued by the first respondent on 30.5.2016. The petitioner is said to have filed a special revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the second respondent during June, 2016, which is pending. Apprehending that coercive action would be taken by the first respondent, the petitioner is before this Court.

4. Having heard the learned counsel on either side, we direct the first respondent not to take coercive action in respect of the property of the petitioner, pending disposal of the special revision petition filed under Section 80-A of the Tamil Nadu Town and Country Planning Act before the second respondent. With this direction, the writ petition is allowed in part. Consequently, W.M.P.No.18410 of 2016 is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

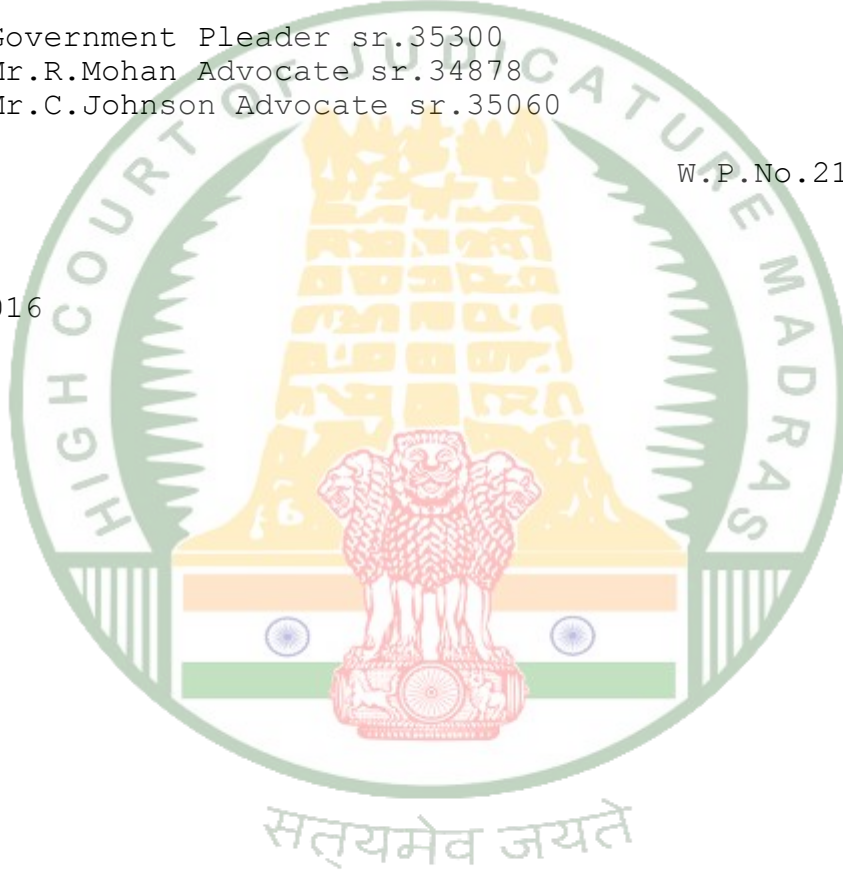
To

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

+1 cc to Government Pleader sr.35300
+1 cc to Mr.R.Mohan Advocate sr.34878
+1 cc to Mr.C.Johnson Advocate sr.35060

W.P.No.21538 of 2016

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