

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2016

CORAM

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

W.P.No.22167 of 2016

Masjid-E.millat
Under the Management of
T.Nagar Islamic Welfare Association
rep.by its Secretary Mr.M.Abdul Rahim
S/o Mr.M.A.Abdul Kader
Old No.23, New No.35
Mothilal Street
T.Nagar, Chennai-17 .. Petitioner

-vs-

1. Chennai Metropolitan Development Authority
rep.by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. Corporation of Chennai
rep.by its Commissioner
Ripon Buildings
Chennai 600 003
3. 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 respondents 1 and 2 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.35, Old No.23, Mothilal Street, T.Nagar, Chennai-17 pending determination of the Special Revision Petition dated 12.06.2016 submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act with the third respondent.

For Petitioner :: Mr.R.Mohan

For Respondents:: Mr.C.Johnson for R1
Mr.R.Arunmozhi for R2
Mr.P.S.Sivashanmugasundaram
Special Government Pleader for R3

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 respondents 1 and 2 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.35, Old No.23, Mothilal Street, T.Nagar, Chennai-17 pending determination of the Special Revision Petition dated 12.06.2016 submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act with the third respondent.

2. The petitioner-Association is said to have purchased the property situated at New Door No.35, Old No.23, Mothilal Street, T.Nagar, Chennai-17 during 2004 and using the same for religious activities and the second respondent is said to have accorded planning and building permits for the construction of stilt cum ground plus two floors (part) during 2007. However, alleging deviations from the sanctioned plan, the first respondent authority sought to issue notice for locking and sealing the premises and aggrieved by the same, 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 third respondent. Pending disposal of the same and without any opportunity of hearing, the first and second respondents are threatening the petitioner of initiating action to lock and seal the premises. Hence the writ petition.

3. Having heard the learned counsel for the parties, we direct the third 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. Till such time the special revision petition is disposed of, status quo shall be maintained. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.18909 of 2016 is closed. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

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

2. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

3. The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009

+1 cc to Mr.R.Mohan, Advocate,SR.35831

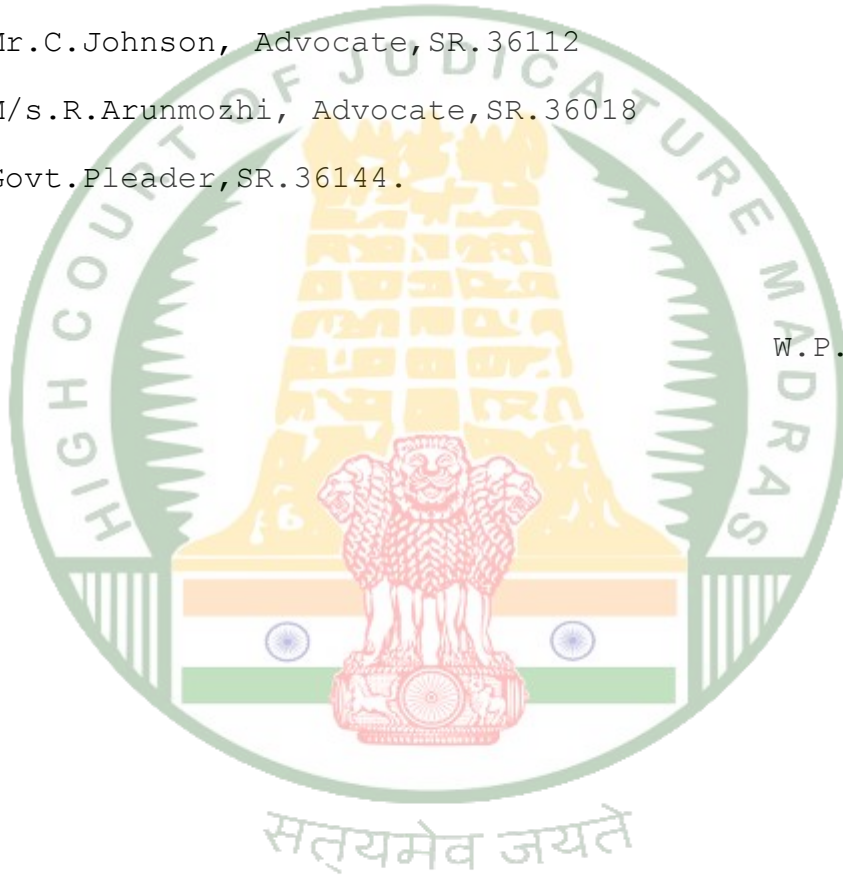
+1 cc to Mr.C.Johnson, Advocate,SR.36112

+1 cc to M/s.R.Arunmozhi, Advocate,SR.36018

+1 cc to Govt.Pleader,SR.36144.

rsy(co)
krd 18/7

W.P.No.22167 of 2016



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