

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.22183 of 2016

N.Padmanaban

.. Petitioner

-vs-

1. Government of Tamil Nadu
rep.by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai-9
2. Chennai Metropolitan Development Authority
rep.by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent herein to consider and de-seal the premises bearing Door No.12/6, Achuthan Nagar, First Street, Ekkattuthangal (Old Poonamallee Road), Chennai-32 on the petitioner's representation dated 24.06.2016 expeditiously in accordance with law pending disposal of the petitioner's revised plan application under section 49 of the Tamil Nadu Town and Country Planning Act by the second respondent and the application under Section 80-A of the said Act by the first respondent herein.

For Petitioner :: Mr.D.S.Rajasekaran

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

ORDER

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

The petitioner seeks for issuance of a writ of mandamus directing the second respondent herein to consider and de-seal the premises bearing Door No.12/6, Achuthan Nagar, First Street, Ekkattuthangal (Old Poonamallee Road), Chennai-32 on the petitioner's representation dated 24.06.2016 expeditiously in accordance with law, pending disposal of the petitioner's

revised plan application under section 49 of the Tamil Nadu Town and Country Planning Act by the second respondent and the application under Section 80-A of the said Act by the first respondent herein.

2. The petitioner is said to be the owner of the property at Door No.12/6, Achuthan Nagar, First Street, Ekkattuthangal (Old Poonamallee Road), Chennai. According to the petitioner, he had carried out repairs to the old building. However, alleging certain deviations, the second respondent is said to have issued a lock & seal and demolition notice, without any prior notice for discontinuance of occupation as contemplated under Section 56(2)(iii) of the Tamil Nadu Town and Country Planning Act. In the meanwhile, it appears that the petitioner had also submitted the revised plan application under Section 49 of the Act before the second respondent and also preferred a statutory appeal under Section 80-A of the Act before the first respondent. In such circumstances, the grievance of the petitioner is that pending consideration of the appeal under Section 80-A of the Act by the first respondent as well the revised plan application under Section 49 of the Act by the second respondent, the second respondent has locked and sealed the premises on 24.6.2016, in spite of the direction issued by this Court earlier to dispose of the appeal within the statutory period and also the interlocutory application within two weeks and to maintain status quo till such time. Hence the petitioner has submitted a representation on 24.6.2016 to the second respondent seeking to de-seal the premises and as the said representation has not been considered, he is before this Court.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the first respondent and the learned standing counsel for the second respondent.

4. Having heard the learned counsel for the parties, we dispose of this writ petition with a direction to the second respondent to de-seal the building of the petitioner by removing the lock and seal immediately on production of a copy of this order and there shall not be any further interference till the disposal of the appeal under Section 80-A of the Act by the first respondent or the application under Section 49 of the Act by the second respondent for sanction of revised plan, in accordance with law. Consequently, W.M.P.No.18914 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ss

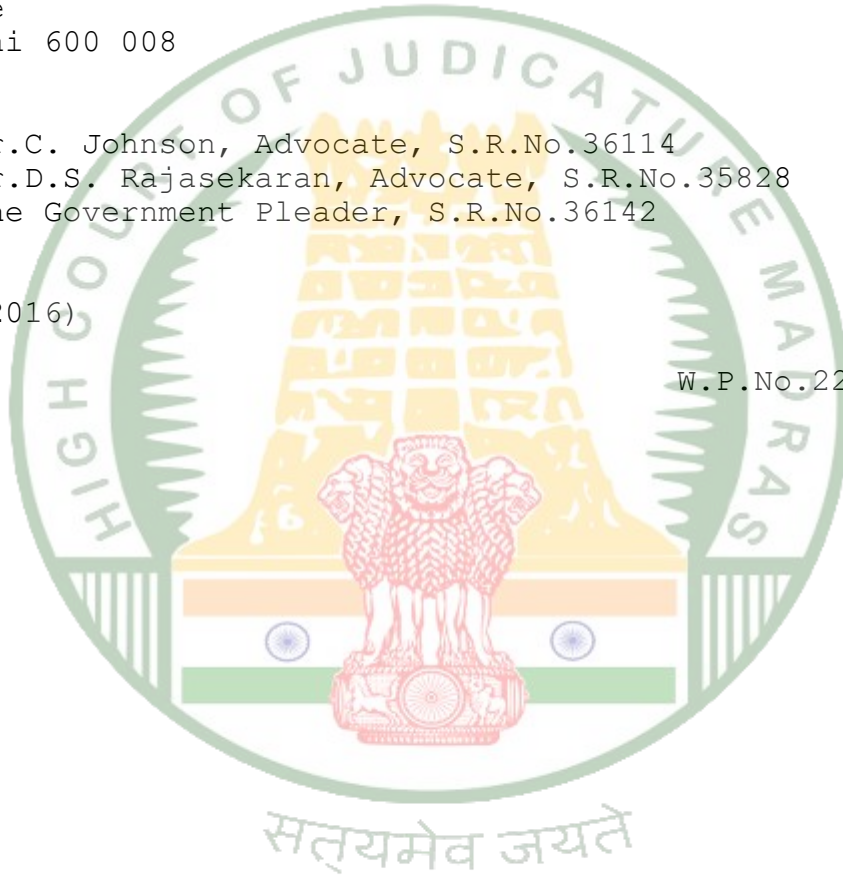
To

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

+1cc to Mr.C. Johnson, Advocate, S.R.No.36114
+1cc to Mr.D.S. Rajasekaran, Advocate, S.R.No.35828
+1cc to the Government Pleader, S.R.No.36142

KJI (CO)
EU(01/07/2016)

W.P.No.22183 of 2016



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