

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM

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

Writ Petition No.22673 of 2016
and WMP.No.19375 of 2016

1.A.Ragu
2.R.Devika

...Petitioners

Vs.

1.Government of Tamil Nadu
Rep. By its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai-9

2.Corporation of Chennai
Rep. By its Commissioner
Rippon Building
Chennai-3

3.Corporation of Chennai
Rep. By its Executive Engineer
Zone V Division-54
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 directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the petitioner's premises at No.35(40), Chakkarai Street, Kondithoppu, Chennai-600 079, particularly by way of Locking and Sealing and or demolition of the same pending disposal of the petitioner's application dated 10.06.2016 by the 1st respondent under Section 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971.

For Petitioners : Mr.S.Rajasekaran

For Respondents : Mr.P.S.Sivashanmugan sundaram,
Spl.G.P., for R1
Mr.V.C.Selvasekaran,
Standing Counsel for R2 and R3.

O R D E R

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

Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader takes notice for the first respondent. Mr.V.C.Selvasekaran, learned Standing counsel takes notice for respondents 2 and 3. With consent of the learned counsel on either side the writ petition itself is taken up for final disposal.

2. We have heard the learned counsel appearing on either side.

3. This Writ Petition is filed praying to issue a Writ of Mandamus to direct the 2nd and 3rd respondents to forbear them from in anyway interfering with the petitioner's premises at No.35(40), Chakkarai Street, Kondithoppu, Chennai-600 079, particularly by way of Locking and Sealing and or demolition of the same pending disposal of the petitioner's application dated 10.06.2016 on the file of the 1st respondent under Section 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971.

4. It is averred in the Writ Petition that the 3rd respondent had issued a Locking and Sealing and Demolition and Deoccupation Notice vide Letter No./Dn.54/LSDD/95/2016 dated 27.05.2016 to the previous owner of the vendor of the petitioners alleging certain deviation, against which, they filed Application under Section 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971 (hereinafter called as "Act") and the same is pending.

5. Now, the learned counsel for the petitioners submits that the petitioners are having the apprehension that the respondents 2 and 3 may take coercive action, pending disposal of the Application filed under Section 80(A) of the Act. The learned counsel further prayed for suitable direction to the 1st respondent to dispose of the the Application filed under Section 80(A) of the Act.

6. Considering the facts and the submissions made on either side, the 1st respondent is directed to consider and dispose of the Application filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, dated 10.06.2016, preferred by the petitioners, within two months from the date of receipt of a copy of this order. In the meanwhile, there shall be an order of status quo.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

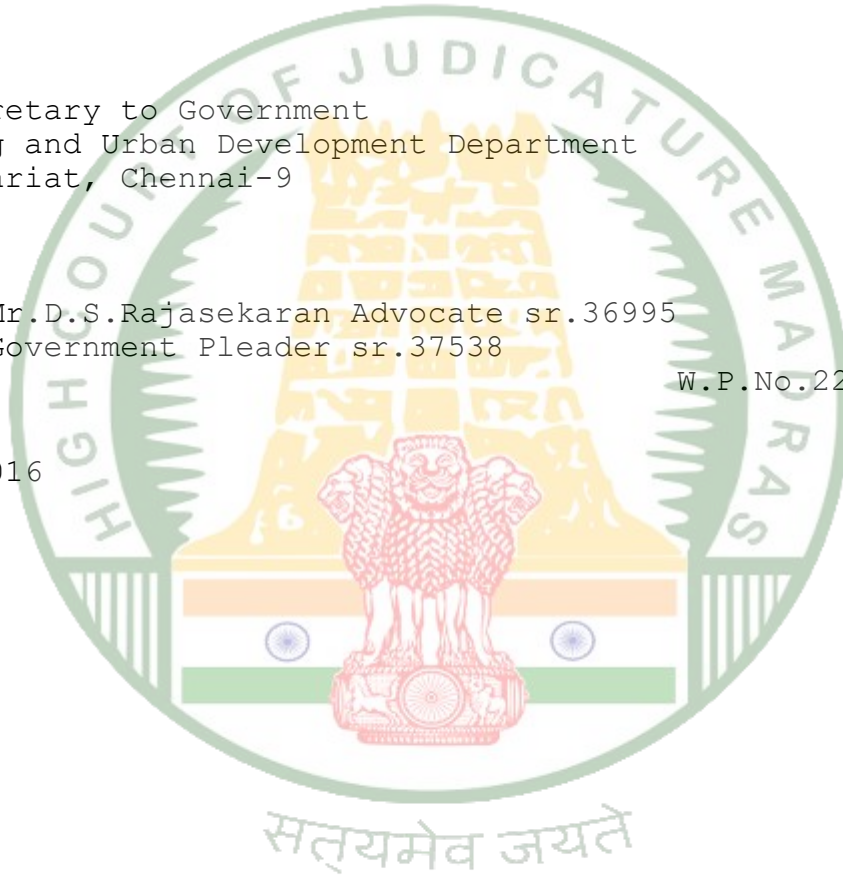
nvsri
To

1.The Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai-9

+1 cc to Mr.D.S.Rajasekaran Advocate sr.36995
+1 cc to Government Pleader sr.37538

W.P.No.22673 of 2016

aa21/07/2016



WEB COPY