

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2016

CORAM

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

W.P.No.23339 of 2016

Sri Kakumani Authikesavulu Chetty's Charities
rep.by its President Mr.P.Viswambar
S/o Mr.P.Niranjana
No.41/15, Godown Street
Kothavalchavadi, Sowcarpet
Chennai 600 001

... Petitioner

-Vs-

1. The Corporation of Chennai
rep.by its Commissioner
Ripon Building
Chennai 600 003
2. The Executive Engineer
Town Planning (Enforcement)
O/o Regional Deputy Commissioner (North)
Corporation of Chennai
Basin Bridge Road
Chennai 600 021
3. The Government of Tamil Nadu
rep.by its Secretary to Government
Housing and Urban Development Department
Fort St.George
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 and second respondents or anybody on their behalf from
initiating any coercive action of locking and sealing and
demolition with regard to the building put up at No.41/15,
Godown Street, Kothavalchavadi, Sowcarpet, Chennai 600 001
pending determination of the Revision Petition submitted by the
petitioner under Section 80-A and 80-A(3) of the Tamil Nadu
Town and Country Planning Act dated 20.06.2016 with the third
respondent.

For Petitioner : Mr.R.Mohan

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

ORDER

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

Mr.R.Arunmozhi, learned standing counsel is directed to take notice on behalf of the respondents 1 & 2 and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader is directed to take notice on behalf of the third respondent.

2. The petitioner is before this Court seeking for issuance of a writ of mandamus forbearing the first and second respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.41/15, Godown Street, Kothavalchavadi, Sowcarpet, Chennai 600 001 pending determination of the Revision Petition submitted by the petitioner under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 20.06.2016 with the third respondent.

3. The petitioner is a registered Trust and had purchased the property situated at No.41/15, Godown Street, Kothavalchavadi, Sowcarpet, Chennai under a registered deed of sale dated 2.12.1912 and also put up a building consisting of stilt cum ground plus two floors after obtaining planning permission from the Corporation and also used the building for charity purposes besides letting out a few shops to maintain its day to day activities. However, alleging deviations from the sanctioned plan, the first and second respondents have issued a notice for locking and sealing the premises on 29.4.2016 and aggrieved by the same, the petitioner has also preferred a special revision petition along with stay petition under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971 before the third respondent Government on 20.6.2016. Pending consideration of the revision and stay petitions, the first and second respondents are attempting to take coercive action to lock and seal the premises of the petitioner. Hence the writ petition.

4. 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 within a period of two

months from the date of receipt of a copy of this order. 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.20040 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
2. The Executive Engineer
Town Planning (Enforcement)
O/o Regional Deputy Commissioner (North)
Corporation of Chennai
Basin Bridge Road
Chennai 600 021
3. The Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009.

+1cc to Mr.R.Mohan, Advocate, S.R.No.37896
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.38038
+1cc to the Government Pleader, S.R.No.38221

KGK(CO)
CA(23/07/2016)

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