

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.23340 of 2016

CSI Immanuel Church
represented by its Presbyter in charge
Mr.Paul Francis
S/o Augustine Ponraj
Padmanaba Nagar-Unit
32/20, Thamilar Veethi
Padmanaba Nagar, Choolaimedu
Chennai 600 094 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 (Central)
Corporation of Chennai
Pullah Avenue, Shenoy Nagar
Chennai 600 030
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
interfering with the civil works put up particularly initiating
any coercive action of locking and sealing and demolition with
regard to the church building put up at No.32/20, Thamilar
Veethi, Padmanaba Nagar, Choolaimedu, Chennai 600 094 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 01.06.2016 with the third
respondent.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.A.Nagarajan 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.A.Nagarajan, 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 interfering with the civil works put up particularly initiating any coercive action of locking and sealing and demolition with regard to the church building put up at No.32/20, Thamilar Veethi, Padmanaba Nagar, Choolaimedu, Chennai 600 094 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 01.06.2016 with the third respondent.

3. According to the petitioner, the Church situate at No.32/20, Thamilar Veethi, Padmanaba Nagar, Choolaimedu, Chennai is in existence for more than 15 years and the same was put up after obtaining planning permission from the CMDA and the building permit issued by the Corporation of Chennai. After the Church was constructed, the petitioner had also put up dwelling unit inside the Church premises for the purpose of Pastors usage at one corner and also made renovation and repairs to the old adjoining building. The petitioner has also submitted an application for grant of planning permission under Section 49 of the Act on 21.4.2016 and the same is pending consideration. However, alleging deviations from the sanctioned plan, the first and second respondents have issued a notice for locking and sealing the premises on 9.5.2016 and aggrieved by the same, the petitioner has 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 1.6.2016. 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.20041 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
2. The Executive Engineer
Town Planning (Enforcement)
O/o Regional Deputy Commissioner (Central)
Corporation of Chennai
Pullah Avenue, Shenoy Nagar
Chennai 600 030
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.37895
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.38040
+1cc to the Government Pleader, S.R.No.38217

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

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