

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2016

CORAM

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

Writ Petition No.25509 of 2016
and WMP.No.21869 of 2016

C.Rajendran

...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
Pulla 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

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 1st and 2nd 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.1, Sarojini Street, T.Nagar, Chennai-600 017 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 11.07.2016 with the 3rd respondent.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.R.Arunmozhi for R1 and R2

Mrs.A.Srijayanthi, Spl.G.P. For R3

O R D E R

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

Heard Mr.R.Mohan, learned counsel for the petitioner, Mr.R.Arunmozhi, learned Standing Counsel for Respondents 1 and 2 and Mrs.A.Srijayanthi, learned Special Government Pleader, who accepts notice for the 3rd respondent.

2. This Writ Petition is filed praying to issue a Writ of Mandamus forbearing the 1st and 2nd respondents from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.1, Sarojini Street, T.Nagar, Chennai-600 017 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 11.07.2016 with the 3rd respondent.

3. It is averred in the Writ Petition that the petitioner is the owner of the property situated at No.1, Sarojini Street, T.Nagar, Chennai-600 017 and the building was put up after obtaining planning permission from Corporation of Chennai vide Planning Approval for construction and the entire construction was over as early as 2007 and duly occupied by the Petitioner. It is further averred that for some minor deviations, the petitioner had submitted revised plan under Section 49 of the Town and Country Planning Act, however, the officials of the Corporation of Chennai issued Locking and Sealing Notice dated 05.07.2016 mentioning the floor violations. It is stated that the petitioner preferred Special Revision Petition and stay petition under Section 80-A and 80-A(3) of the Act and the same is pending; the 3rd respondent has not passed any orders in the said application so far and hence, the present writ petition.

4. The learned Special Government Pleader appearing for Respondent No.3, who was directed to take notice, submits that three months time may be given to pass necessary orders in the Special Revision Petition filed under Section 80A of the Act.

5. In the light of the said submission, we direct the 3rd respondent to consider the Special Revision Petition dated 11.07.2016 preferred by the petitioner, under Section 80(A) and 80(A)(3) of the Town and Country Planning Act 1971 and pass orders in accordance with law within a period of three months

from the date of receipt of a copy of this order. Till the disposal of the said application, the respondents 1 and 2 shall not take any coercive steps against the petitioner.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP.21869 of 2016 is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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
Pulla Avenue, Shenoy Nagar
Chennai-600 030
- 3.The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St.George, Chennai-600 009

+1 cc to Mr.R.Mohan,advocate,sr.43048

+1 cc to M/s.R.Arunmozhi, advocate,sr.43082

+1 cc to Govt.pleader,sr.43229.

sv(co)
krd 22/8

W.P.No.25509 of 2016

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