

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2016

CORAM

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

Writ Petition No.25707 of 2016
and WMP.No.22047 of 2016

1.Dr.R.Saravana Jothi
2.Dr.P.Murugan Suresh Kumar
3.Dr.D.Srinivasan
4.Dr.V.Ananth
5.Dr.S.Thirunavukkarasu
6.Dr.S.VaradarajanPetitioners

Vs.

1.The State of Tamil Nadu
Rep. By its Secretary
Housing & Urban Development Department
Fort St.George, Chennai-600 009

2.Corporation of Chennai
Rep. By its Commissioner
Rippon Buildings
Chennai-600 003

3.Corporation of Chennai
Rep. By its Executive Engineer
(Enforcement-Region Central)
2nd Cross Street, (East), Pulla Avenue
Shenoy Nagar, Chennai-30.

...Respondents

Writ Petition filed praying to issue a Writ of Mandamus to forbear the 2nd and 3rd respondent from initiating action under the Locking & Sealing and Demolition Notice No.Region Central/TPENF/1624/2016, 1620/2016, 1622/2016, 1621/2016, 1618/2016 and 1619/2016 dated 06.06.2016 and the correspondent consequential De-occupation Notice dated 08.07.2016 bearing identical numbers issued on the 1st to 6th petitioners respectively pending disposal of appeals filed on 29.06.2016 by the petitioner under Section 79 and Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on the file of the 1st respondent.

For Petitioners : Mr.S.Satish

For Respondents : Mrs.A.Srijayanthi, Spl.Govt.Pleader
for R1
Mr.V.C.Selvasekaran, for R2 and R3.

ORDER

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

Heard the learned counsel for the Petitioners, Mrs.A.Srijayanthi, learned Special Government Pleader, who accepts notice for the 1st respondent and Mr.V.C.Selvasekaran, learned counsel who accepts notice for 2nd and 3rd respondents.

2. This is a common writ petition filed by a set of doctors, seeking to forbear the 2nd and 3rd respondent from initiating action under the Locking and Sealing and Demolition Notice dated 06.06.2016.

3. In the Writ Petition, it is averred that the impugned property of the Petitioners was approved by Plan sanction and the construction of the building was completed in the year 1996 and the promoter of the building submitted Regularization Application dated 19.12.2000 to the Chennai Metropolitan Development Authority. It is further averred that the 3rd respondent, in the meanwhile, had issued notice calling for approved plans in respect of the building and thereafter, issued Locking & Sealing and Demolition Notice dated 06.06.2016 and aggrieved by the said Notice, the Petitioners have jointly preferred a common appeal dated 27.06.2016 under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent on 29.06.2016 and the same is pending consideration.

4. Now, the learned counsel for the Petitioners submits that consequential De-Occupation Notice dated 08.07.2016, had also been issued on the petitioners and therefore, the petitioners approached this court for appropriate direction to respondents 1 to 3.

5. After hearing the learned counsel on either side, we hereby direct the 1st respondent to consider the appeal filed by the Petitioners dated 29.06.2016 under Section 80A of the Act, and dispose of the same in accordance with law, within a period of 2 months from the date of receipt of a copy of this order. The 1st respondent shall afford sufficient opportunity to the petitioners to put forth their contentions in respect of their appeal. Till a decision is taken in 80A appeal, respondents 2 and 3 shall not take any coercive steps against the petitioners.

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

nvsri

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Secretary
The State of Tamil Nadu
Housing & Urban Development Department
Fort St.George, Chennai-600 009
2. The Commissioner
The Corporation of Chennai
Rippon Buildings
Chennai-600 003
3. The Executive Engineer
Corporation of Chennai
(Enforcement-Region Central)
2nd Cross Street, (East), Pulla Avenue
Shenoy Nagar, Chennai-30.

+ 2 ccs to Mr.S.Sathish, Advocate Sr 41634

+ 1 cc to The Govt.Pleader, Sr 41940

KR/2/8/16

W.P.No.25707 of 2016

सत्यमेव जयते

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