

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 4.8.2016
CORAM
THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
W.P.No.27243 of 2016
and
W.M.P.No.23417 of 2016

1 R.Parthasarathy
2 Sunil Kumar .. Petitioners

Versus

1 The Corporation of Chennai
Rep by its Commissioner
Ripon Building
Chennai-600 003.
2 The Executive Engineer
Zone V
O/o. Regional Deputy Commissioner
(North)
Corporation of Chennai
Basin Bridge Road
Chennai-600 021.
3 The Government of Tamilnadu
Rep by its. Secretary to Government
Housing and Urban Development Department
Fort St. George Chennai-600 009.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of 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.50, 48, 46(47 48 & 49) Bandhar Street Kothaval Chavadi Chennai-600 001 pending determination of the Revision petition submitted by the petitioners under section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 26.07.2016 with the 3rd respondent.

For petitioners : Mr.L.Chandrakumar

For RR1 and 2 : Mr.A.Nagarajan

For R3 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

ORDER

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

Heard the learned counsel appearing for the petitioners, Mr.A.Nagarajan, learned counsel for respondents 1 and 2 and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader for the third respondent, who accepts notice on behalf of their respective parties.

2. The writ petition has been filed seeking issuance of 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.50, 48, 46(47 48 & 49) Bandhar Street Kothaval Chavadi Chennai-600 001 pending determination of the Revision petition submitted by the petitioners under section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 26.07.2016 with the 3rd respondent.

3. The case of the petitioners is that they, being co-owners of the property in question, had put up a building there, after obtaining building plan permission, but, with a minor deviation and consequently, lock and seal notice dated 27.5.2016 was served on them by the second respondent against which, the petitioners had filed revision petition and pending such revision petition, they have come up with the present writ petition on the ground that they are being threatened of coercive action.

4. It appears that in connection with the construction to be put up by the petitioner, action is said to be initiated on the ground that there is violation of regulation, etc. The allegation is that the property in question is basically meant for residential purpose, however, the same has been used for running commercial activity.

5. Be that as it may, under the provisions of the Act, if any provision is there to consider the case of the petitioners for commercial activity instead of residential either by charging penalty or by way of allowing the conversion from residential, it can be considered by the authorities. Further, it is also seen that the petitioners have already filed a revision filed under section 80A of the Tamil Nadu Town and Country Planning Act and the same is pending consideration before the third respondent.

6. In the circumstances, there shall be an order that the appeal/revision filed by the petitioners may be disposed of within three months from the date of receipt of copy of this order, after hearing the petitioners, on merits and in accordance with law. In the meanwhile, no coercive action shall

be taken against the petitioners. The writ petition is disposed of. The connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ssk.

To:

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

+1 CC to Mr. L. Chandrasekaran, Advocate, SR.No.44154

+1 CC to Mr. A. Nagarajan, Advocate, SR.NO.44334

+1 CC to Government Pleader SR.No.44766

सत्यमेव जयते

W.P.No.27243 of 2016

SVI (CO)

MD : 07/09/2016

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