

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.27244 of 2016
and
W.M.P.No.23418 of 2016

1 Jaisingh Purohit
2 Mahindra Kumar
3 Anitha Jain ...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 Tamil Nadu
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.29/15 Perumal Mudali Street Sowcarpet Chennai 600 079 pending determination of the Revision petition submitted by the petitioners under Section 80-A and 80-A (3) of the Tamilnadu Town and Country Planning Act dated 27.7.2016 with the 3rd respondent.

For petitioner : Mr.D.S.Rajasekar
For RR1 and 2 : Mr.V.C.Selvasekaran
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.V.C.Selvasekaran, 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.29/15 Perumal Mudali Street Sowcarpet Chennai 600 079 pending determination of the Revision petition submitted by the petitioners under Section 80-A and 80-A (3) of the Tamilnadu Town and Country Planning Act dated 27.7.2016 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 10.6.2016 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. The apprehension of the petitioners is that they would be disturbed in the process of implementation/removal of unauthorised construction. As per the submission made by the learned counsel for the petitioners, there is a violation of building plan permission by putting two more floors unauthorisedly without permission and without any authority of law.

5. Be that as it may, while taking action against violation of the building plan/approved plan, there shall be no disturbance caused to the petitioners' portion if it is found in order and even if there is any violation in respect of the premises of the petitioners, that could be examined by the respondent-authority in the appeal/revision said to have been filed by the petitioner. Further, if any violation is found to have been made by the owner of the building in putting up additional construction, there may not be any impediment to the Corporation to remove or set right the encroachment. However, the appeal/revision pending before the authority may be considered as indicated above and appropriate orders may be passed on merits and in accordance with law within a period of

two months from the date of receipt of copy of this order.

6. Sofar as interim relief is concerned, it is open to the petitioners to move for such a relief in the pending revision itself which shall also be decided in accordance with law. The writ petition is disposed of accordingly. The connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 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 Secretary to Govt.,
The Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George Chennai-600 009.

+1 CC to the Govt., Pleader, Sr.No.44856

W.P.No.27244 of 2016

GJII (CO)
md : 06.09.2016

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