

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.08.2016

CORAM

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

Writ Petition No.28107 of 2016
and
WMP.No.24249 of 2016

Madan Singh Purohit

...Petitioner

Vs.

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

2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 2nd respondent herein from taking any action pursuant to the notice in Letter No.EC/N-II/18527/2015 dated 02.08.2016 of the 2nd respondent herein in respect of Petitioner's building bearing Door No.422/5, Thiruvellore High Road, in Survey No.126/1, Almatti Village, Chennai, till the appeal filed by the Petitioner under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, on 08.08.2016 is disposed of by the 1st respondent.

For Petitioner : Mr.AR.L.Sundaresan, for
Ms.AL.Ganthimathi

For Respondents : Mr.E.Balamurugan, Addl.Govt.Pleader
for R1

Mr.K.Raja Shrinivas for R2

O R D E R

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

Heard Mr.AR.L.Sundaresan, learned Senior counsel for the petitioner and Mr.E.Balamurugan, learned Additional Government Pleader, who accepts notice for the 1st respondent and Mr.K.Raja Shrinivas, learned counsel accepting notice for the 2nd respondent.

2. The averments in the Writ Petition is as follows:-

The petitioner is the absolute owner of the property measuring 62 cents in Survey No.126/1, Alamathi Village, Ponneri Taluk, Thiruvallore District. The 2nd respondent issued notice dated 23.11.2015 calling upon the petitioner to restore the land in original condition as mentioned therein within 30 days failing which action will be taken for locking and sealing of the premises. As against the same, the petitioner preferred a statutory application under Section 80A of the Tamil Nadu Town and Country Planning Act along with stay petition. Further the petitioner had applied for approval of the building plan by application dated 18.12.2015, however, the same was rejected by the 2nd respondent by proceedings dated 29.04.2016. As against the same, the petitioner preferred a statutory appeal under Section 79 of the Tamil Nadu Town and Country Planning Act before the 1st respondent. The petitioner is said to have served with de-occupation notice dated 02.08.2016 by the 2nd respondent, hence, approached this court for the above relief.

3. Since the applications under Section 80A dated 22.12.2015 and the appeal filed under Section 79 dated 08.08.2016 are pending before the 1st respondent, the 1st respondent is directed to consider and pass appropriate orders on the said applications within 3 months from the date of receipt of a copy of this order, after affording opportunity to the petitioner to raise all his contentions. Further, the 1st respondent is directed to take into consideration the stand of the 2nd respondent on the refusal of PPA that the site falls within the Red Hills Catchment Area, while disposing the applications filed by the petitioner. Till a decision is taken by the 1st respondent in this regard, there shall be an order of status quo.

4. 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 Government of Tamil Nadu
Rep. By Secretary to the Government
Housing and Urban Development Department
Fort St.George, Chennai-600 009

2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
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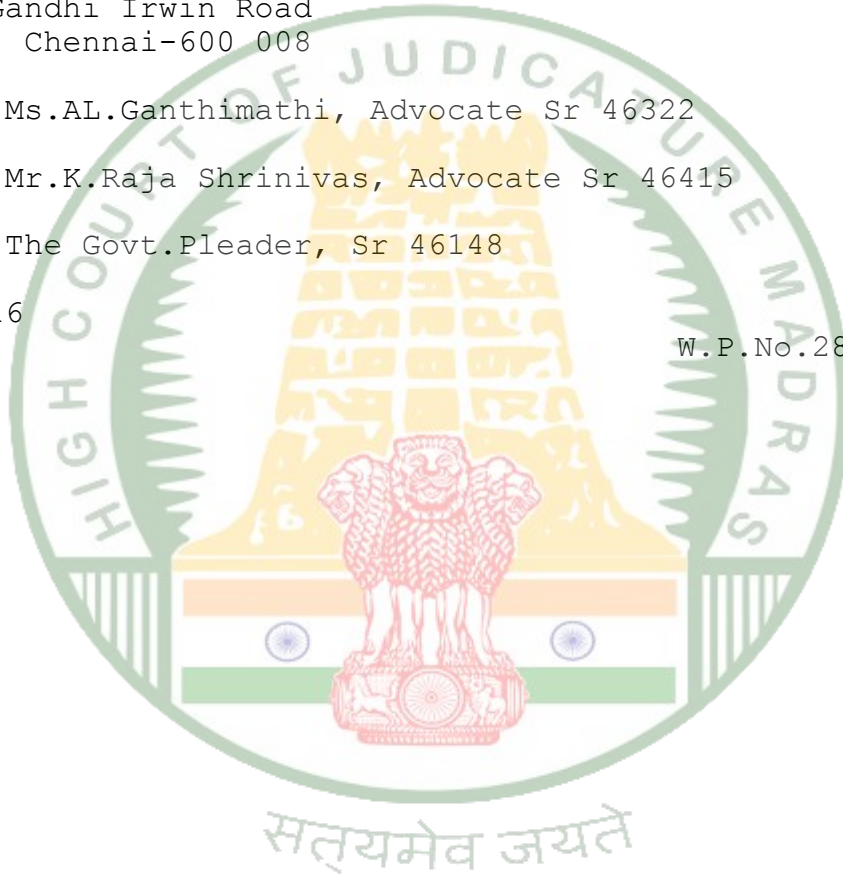
+ 1 cc to Ms.AL.Ganthimathi, Advocate Sr 46322

+ 1 cc to Mr.K.Raja Shrinivas, Advocate Sr 46415

+ 1 cc to The Govt.Pleader, Sr 46148

KR/31/08/16

W.P.No.28107 of 2016



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