

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.28353 of 2016

S.Premnarayan

... Petitioner

-Vs-

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003
2. The Executive Engineer
Zone-V
Corporation of Chennai
No.105, Basin Bridge Road
Wall Tax Road
Chennai 600 079
3. Government of Tamil Nadu
rep.by its Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the second respondent or any body on their behalf from initiating any coercive action of locking and sealing and demolition of the building put up at No.6(8), Tulasingham Street, Second Lane, Sowcarpet, Chennai 600 079, pending determination of the Special Revision Petition dated 1.8.2016 and submitted before the third respondent by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act.

For Petitioner : Mr.A.G.Rajan

For Respondents : Mr.V.C.Selvasekaran for R1 & R2
Mr.V.Selvaraj
Additional Government Pleader
for R3

ORDER

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

The petitioner seeks for issuance of a writ of mandamus, forbearing the second respondent or any body on their behalf from initiating any coercive action of locking and sealing and demolition of the building put up at No.6(8), Tulasingham Street, Second Lane, Sowcarpet, Chennai 600 079, pending determination of the Special Revision Petition dated 1.8.2016 and submitted before the third respondent by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act.

2. Heard the learned counsel for the petitioner. Mr.V.C.Selvasekaran, learned standing counsel takes notice on behalf of the first and second respondents and Mr.V.Selvaraj, learned Additional Government Pleader takes notice on behalf of the third respondent.

3. It appears that the petitioner is the owner of the residential building situated at No.6(8), Tulasingham Street, Second Lane, Sowcarpet, Chennai and has been accorded planning and building permits for the construction of stilt cum ground plus two floors. However, alleging certain deviations, a notice under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act has been issued to the petitioner on 10.6.2016 for locking & sealing and demolition of the premises. Aggrieved by the same, the petitioner is said to have preferred a special revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the third respondent/Government and pending disposal of the same, without any opportunity of hearing, the respondents are attempting to take coercive action against the petitioner. Hence this writ petition.

4. It is for the third respondent/Government to consider the special revision petition filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act and to take a decision in accordance with law within a period of two months from the date of receipt of a copy of this order. All the contentions are left open to be urged by the petitioner before the Government. Till then, the authorities shall not take any coercive action against the petitioner. The writ petition stands disposed of accordingly. Consequently, W.M.P.No.24475 of 2016 is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003
2. The Executive Engineer
Zone-V
Corporation of Chennai
No.105, Basin Bridge Road
Wall Tax Road
Chennai 600 079
3. The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009

+1cc to Mr.A.G.Rajan, Advocate, S.R.No.46173
+1cc to the Government Pleader, S.R.No.47276

W.P.No.28353 of 2016

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CA(01/09/2016)



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