

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

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

W.P.No.29288 of 2016

Adatalisi Porwal Jain Trust
rep.by its President S.Shantilal Jain
No.67(61), Irulappan Street
Sowcarpet
Chennai 600 079 .. Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by its Secretary
Housing & Urban Development Department
Secretariat, Fort St.George
Chennai 600 009
2. The Regional Deputy Commissioner
Greater Chennai Corporation
O/o Regional Deputy Commissioner (North)
No.62, Basin Bridge Road
Chennai 600 021
3. The Executive Engineer
RDC (North Office)
Zone-V, Greater Chennai Corporation
Basin Bridge Road
Chennai 600 021 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the second and third respondents from in any way interfering with the building at No.67(61), Irulappan Street, Sowcarpet, Chennai 600 079, particularly by way of De-occupation notice and pending final determination of the appeal dated 28.07.2016 pending with the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner :: Mr.D.Balachandran

For Respondents:: Mr.R.Prathapkumar
Additional Government Pleader
for R1
Mr.A.Nagarajan for R2 & 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 and third respondents from in any way interfering with the building at No.67(61), Irulappan Street, Sowcarpet, Chennai 600 079, particularly by way of De-occupation notice and pending final determination of the appeal dated 28.07.2016 pending with the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

2. Heard the learned counsel for the petitioner. Mr.R.Prathapkumar, learned Additional Government Pleader takes notice on behalf of the first respondent and Mr.A.Nagarajan, learned standing counsel takes notice on behalf of the second and third respondents.

3. It appears that the petitioner is the absolute owner of the land and building comprised in No.67(61), Irulappan Street, Sowcarpet, Chennai-79 and has been accorded planning and building permits for the construction of ground plus two floors and also paying the property tax and other charges without any default whatsoever. 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 29.4.2016, which is said to be received by the petitioner on 11.6.2016, for locking & sealing and demolition of the premises. Aggrieved by the same, the petitioner is said to have preferred a special revision petition/appeal on 28.7.2016 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the first 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 first respondent/Government to consider the special revision petition/appeal 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 three 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.25319 of 2016 is closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government
Housing & Urban Development Department
Secretariat, Fort St.George
Chennai 600 009
 2. The Regional Deputy Commissioner
Greater Chennai Corporation
O/o Regional Deputy Commissioner (North)
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Chennai 600 021
- +1 cc to Mr.D.Balachandran Advocate sr 47822
+1 cc to Mr.A.Nagarajan Advocate sr 48100
+1 cc to Government Pleader sr 48263

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