

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2016

CORAM

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

Writ Petition No.29565 of 2016
and WMP.No.25582 of 2016

Nishanth Ravichandran

...Petitioner

Vs.

1. Government of Tamilnadu
Rep. By its Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai - 600 009
 2. Corporation of Chennai
Rep. By its Regional Deputy Commissioner (South)
(Enforcement Cell)
Adyar, Chennai - 600 020
 3. Executive Engineer,
TP (Enforcement) South,
Corporation of Chennai
Adyar, Chennai - 600 020
- ...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the building put up at Plot Nos.6 and 7, Sector C, VGP 1st Main Road, (Jn of Dr.Sivaraman Street), VGP layout, Uthandi, Chennai - 119, particularly by way of Locking and Sealing and or demolition of the same, pending final determination of the application under Section 80(A) and 80(A) (3) of the Town & Country Planning Act dated 28.07.2016 by 1st respondent.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Ms.M.Lalitha, Government
Advocate for R1
Mr.A.Nagarajan for R2 and R3

O R D E R

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

Heard Mr.D.S.Rajasekaran learned counsel for the petitioner, Ms.M.Lalitha, learned Government Advocate for 1st respondent and Mr.A.Nagarajan, learned counsel for 2nd and 3rd respondents.

2. This Writ Petition is filed praying to issue a Writ of Mandamus directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the building put up at Plot Nos.6 and 7, Sector C, VGP 1st Main Road, (Jn of Dr.Sivaraman Street), VGP layout, Uthandi, Chennai - 119, particularly by way of Locking and Sealing and or demolition of the same, pending final determination of the application under Section 80(A) and 80(A) (3) of the Town & Country Planning Act dated 28.07.2016 by 1st respondent.

3. It is averred in the Writ Petition that the petitioner put up a residential construction in the above mentioned Plot after submitting the application to the local Panchayat, however, the 2nd and 3rd respondent issued a Lock & Seal Notice dated 25.07.2016. Aggrieved by such decision of Locking and Sealing Notice, the petitioner preferred a Special Revision application to the 1st respondent under Section 80A and also sought stay of all further proceedings. Now, the petitioner is before this court seeking a direction to the 1st respondent to consider 80A application within the statutory period.

4. Considering the above averments and the submission made by the learned counsel for the petitioner, it is for the 1st respondent to consider the appeal dated 28.07.2016 filed by the petitioner and pass necessary orders in accordance with law within 3 months from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner. All the contentions are left open to the petitioner to be urged before the 1st respondent. Till a decision is taken by the 1st respondent, status quo as on date shall be maintained.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently connected MP is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. Government of Tamilnadu,
Rep. By its Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai - 600 009
2. Corporation of Chennai,
Rep. By its Regional Deputy Commissioner (South),
(Enforcement Cell),
Adyar, Chennai - 600 020.
3. Executive Enginner,
TP (Enforcement) South,
Corporation of Chennai
Adyar, Chennai - 600 020.

+1cc to Mr.P.S.Rajasekaran, Advocate Sr.48162
+1cc to Mr.Ad.Nagarajan, Advocate Sr.48101
+1cc to the Government Pleader sr.48628

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srg 06/09/2016