

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2016

CORAM

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

W.P.No.29690 of 2016

V.Srinivasan

.. Petitioner

-VS-

1. The Secretary to Government
Housing and Urban Development Department
Fort St.George, Secretariat
Chennai
 2. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003
 3. Executive Engineer
Enforcement-Region Central
Corporation of Chennai
Regional Office-Central
Second Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to forbear the second and third respondents from locking, sealing and demolition of the building situated at No.244, Ramakrishna Mutt Road, Mylapore, Chennai 600 004 in pursuance of locking and sealing and demolition notice issued by the third respondent in Notice No.Region Central/TPENF/2010/2016 dated 04.08.2016, during the pendency of appeal dated 17.08.2016 preferred on the file of the first respondent.

For Petitioner ::Mr.B.Vijay

For Respondents::Mr.V.Selvaraj

Additional Government Pleader for R1
Mr.V.C.Selvasekaran 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 locking,

sealing and demolition of the building situated at No.244, Ramakrishna Mutt Road, Mylapore, Chennai 600 004 in pursuance of locking and sealing and demolition notice issued by the third respondent in Notice No.Region Central/TPENF/2010/2016 dated 04.08.2016, during the pendency of appeal dated 17.08.2016 preferred on the file of the first respondent.

2. Heard the learned counsel for the petitioner, learned Additional Government Pleader taking notice on behalf of the first respondent and the learned standing counsel taking notice on behalf of the second and third respondents.

3. It appears that the petitioner is the lessee of the premises situated at No.244, Ramakrishna Mutt Road, Mylapore, Chennai admeasuring an extent of 2338 sq.ft., and had put up construction after obtaining the building and planning permission. However, alleging deviations from the sanctioned plan, 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 4.8.2016 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 17.8.2016 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 on 17.8.2016 and also the explanation, if need be, of the petitioner 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. Till then, the authorities shall not take any coercive steps against the petitioner. The writ petition stands disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government
Housing and Urban Development Department
Fort St.George, Secretariat
Chennai 600 009

2. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003

3. The Executive Engineer
Enforcement-Region Central
Corporation of Chennai
Regional Office-Central
Second Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030

+1 cc to Mr.B.Vijay,advocate,sr.48289

+1 cc to Govt.Pleader,sr.48660.

lrs(co)
krd 14/9

W.P.No.29690 of 2016



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