

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.29943 of 2016

Pawan Kumar Agarwal
rep by his Power Agent G.Sridharan
No.27, Salai Vinayagar Koil Street
Third Floor
Chennai 600 001

... Petitioner

-Vs-

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

2. The Secretary
Government of Tamil Nadu
Housing and Urban Development
Fort St.George
Chennai 600 009

... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the first
respondent herein from initiating any coercive action of locking
sealing and demolition in respect of basement floor, ground
floor and the fourth floor of the premises at New No.23, Old
No.10, Damodaramurthy Road, Kilpauk, Chennai-600 010.

For Petitioner : Mr.R.Manickavel

For Respondents : Mr.K.Raja Shrinivas for R1
Ms.M.Lalitha
Government Advocate for R2

ORDER

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

The petitioner seeks for issuance of a writ of mandamus, directing the first respondent herein from initiating any coercive action of locking & sealing and demolition in respect of basement floor, ground floor and the fourth floor of the premises at New No.23, Old No.10, Damodaramurthy Road, Kilpauk, Chennai-600 010.

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

3. It appears that originally one Mrs.Shanti Folie owned the premises in question measuring an extent of 4534 sq.ft., and thereafter she had sold an extent of 1132 sq.ft., of undivided share in the said premises through her power agent to one Mr.Naveen Kumar Agarwal, who had obtained planning permission for the construction of stilt plus three floors from the authorities in the year 2009. Thereafter, the property is said to have been conveyed to the petitioner under a family arrangement. Now, according to the learned counsel for the petitioner, some shortcomings/deviations have been pointed out on the complaint by the previous owner. But still the appeal filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act against the rejection of the revised plan is pending consideration before the appellate authority. Since the respondent authority is contemplating further action, it is submitted that no coercive steps shall be taken till the disposal of the appeal by the appellate authority.

4. In view of the above, it is for the respondents to consider the grievance of the petitioner and it is open to the petitioner to urge all his contentions before the authority. Till a decision is being taken by the respondent authority/appellate authority, no coercive action shall be taken. Needless to mention that the appeal filed by the petitioner shall be disposed of by the appellate authority within a period of three months from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ss

To

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

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

+1cc to Mr.R.Manickavel, Advocate, S.R.No.48687
+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.48774
+1cc to the Government Pleader, S.R.No.49156

W.P.No.29943 of 2016

MP(CO)
CA(15/09/2016)



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