

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

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

Writ Petition No.30252 of 2016
and WMP.No.26240 of 2016

K.C.Girivasan

...Petitioner

Vs.

1.Chennai Metropolitan Development
Authority
Rep. By its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai-8

2.Government of Tamil Nadu
Rep. By its Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai-9

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 1st respondent from initiating any coercive action of locking and sealing and demolition with regard to the building put up at New Door No.19, Old Door No.22, Padmanaban Street, North Usman Road, T.Nagar, Chennai-17, pending determination of the Special Revision Petition dated 05.08.2016 submitted by the petitioner to the 2nd respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.K.Raja Shrinivas for R1
Mr.V.Selvaraj,
Addl.Govt.Pleader for R2

O R D E R

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

Heard Mr.R.Mohan, learned counsel for the petitioner, Mr.K.Raja Shrinivas, learned Standing counsel, accepting notice for the 1st respondent and Mr.V.Selvaraj, learned Additional Government Pleader, accepting notice for the 2nd respondent.

2. It is averred in the Writ Petition that the petitioner put up building in the aforementioned property after obtaining planning permission from Corporation of Chennai in PPA.No.1724 of 2012 dated 26.07.2012, however, made certain minor variations in the constructions without violating the planning rules and regulations. The CMDA, 1st respondent, issued notice dated 27.03.2015 calling for approved plan and thereafter without providing opportunity, issued a locking and sealing and demolition notice vide letter dated 26.07.2016 under Section 56 and 57 of the Town and Country Planning Act, giving details as regards the extent of deviations. The petitioner also filed reply to the 1st respondent and requested to drop all further actions. The petitioner also said to have preferred Special Revision Petition to the 2nd respondent under Section 80-A of the Town and Country Planning Act along with stay petition.

3. The learned counsel for the petitioner submits that till a decision is taken by the 1st respondent in the 80-A appeal, the 2nd respondent may be directed to drop coercive steps against the petitioner's building as it is a residential premises.

4. Taking into consideration the averments made in the Writ Petition and the submissions made by the learned counsel on either side, we direct the 1st respondent to consider the Special Revision Petition preferred under Section 80-A and dispose of the same within the statutory period in accordance with law, after affording an opportunity of personal hearing to the petitioner. Till a decision is taken by the 1st respondent, the 2nd respondent shall not take any coercive action against the petitioner. It is made clear that it is open to the petitioner to raise all the contentions before the 1st respondent.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Member Secretary
Chennai Metropolitan Development
Authority

No.1, Gandhi Irwin Road
Egmore, Chennai-8

2. The Secretary to Government,
Government of Tamil Nadu
Housing and Urban Development Department
Fort St.George, Chennai-9

+ 1 cc to M/s. R. Mohan, Advocate Sr.49230
+ 1 cc to M/s. K. Raja Shrinivas, Advocate Sr.49059
+ 1 cc to Government Pleader Sr.49459

Writ Petition No.30252 of 2016

NR(CO)
Eu 03.10.16



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