

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2016

CORAM

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

W.P.No.30545 of 2016

M/s First Capital Development India Pvt.Ltd.,
rep.by its Managing Director Mr.Jawahar Hussain
No.1, Venkatesa Agraharam Street
Mylapore, Chennai 600 004 ... Petitioner

-vs-

1. Government of Tamil Nadu rep.by
its Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009
2. Chennai Metropolitan Development Authority
rep.by its Member Secretary
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008
3. Corporation of Chennai
rep.by its Commissioner
Ripon Buildings
Chennai 600 003 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of first respondent in letter No.4046/UD-1/2015-2 dated 18.09.2015 in rejecting petitioner's appeal filed under Section 80-A of the Town and Country Planning Act as against locking and sealing decision of officials of second respondent for the building put up at Old No.111, New No.136, Coral Merchant Street, George Town, Chennai 600 001 by quashing the same and consequently direct the respondents to regularize the building put up in the aforementioned property.

For Petitioner :: Mr.S.Natana Rajan

For Respondents:: Mr.V.Selvaraj
Additional Government Pleader for R1
Mr.K.Raja Shrinivas for R2
Mr.V.C.Selvasekaran for R3

ORDER

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

Mr.V.Selvaraj, learned Additional Government Pleader is directed to take notice for the first respondent. Mr.K.Raja Shrinivas, learned standing counsel is directed to take notice for the second respondent. Mr.V.C.Selvasekaran, learned standing counsel is directed to take notice for the third respondent.

2. Heard the learned counsel for the petitioner.

3. The appeal preferred by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter called as "the Act") as against the locking, sealing and demolition notice No.EN2/19258/2014 dated 30.1.2015 passed by the second respondent in respect of premises in Old No.111, New No.136, Coral Merchant Street, George Town, Chennai 600 001 has been rejected by the first respondent pointing out that it is a premature one.

4. The case of the petitioner is that he has the right to seek appropriate remedy and is inclined to re-present the Special Revision Petition under Section 80-A of the Act, however, sought for a suitable direction in this regard.

5. Following the decision laid down by this Court in 2015 (2) CWC 752 (Lalith Kumar C.Soni v. The Government of Tamil Nadu and others), we direct the petitioner to go before the first respondent and re-present the Special Revision Petition and seek appropriate relief, within a period of one month from today. The first respondent shall dispose of the matter within two months thereafter after giving sufficient opportunity to the petitioner. Till then there shall be an order of status quo. It is open to the petitioner to raise all his contentions before the first respondent.

6. The writ petition is disposed of with the above direction. Consequently, W.M.P.Nos.26481 & 26482 of 2016 are closed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

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

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

3. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

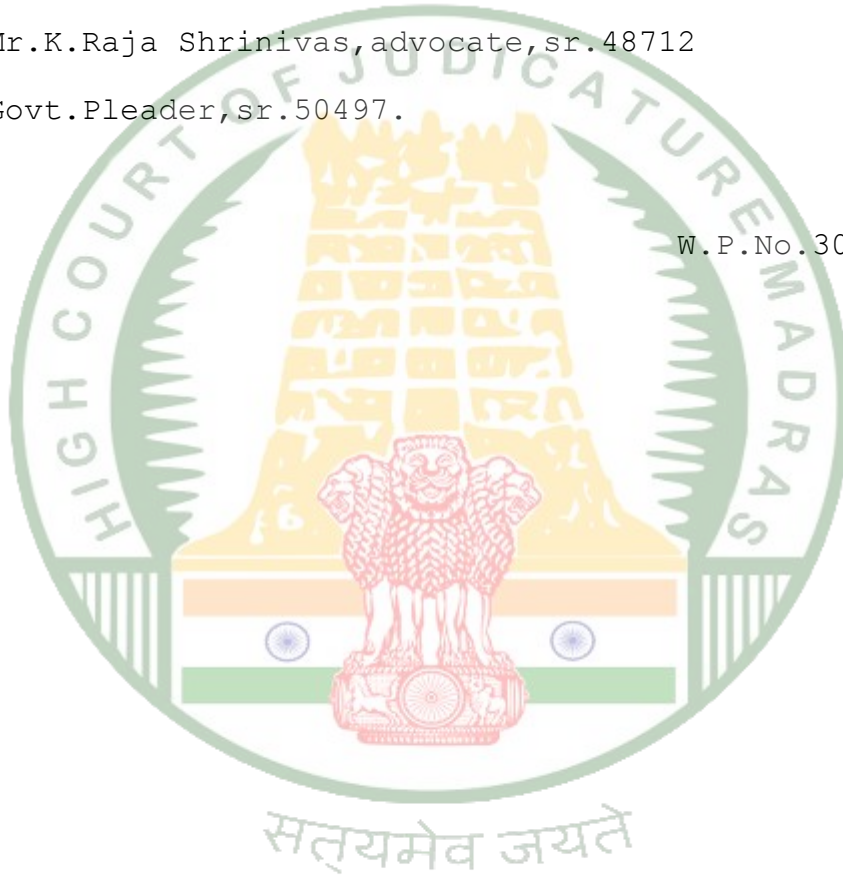
+2 cc's to Mr.S.natarajan,advocate,sr.49532, 514

+1 cc to Mr.K.Raja Shrinivas,advocate,sr.48712

+1 cc to Govt.Pleader,sr.50497.

ks(co)
krd 19/9

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