

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.31136 of 2016
and WMP.No.26973 of 2016

P.Bipin Kumar

...Petitioner

Vs.

- 1.Chennai Metropolitan Development
Authority, Rep. By its Member-Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai-8
- 2.Corporation of Chennai
Rep. By its Commissioner
Ripon Buildings
Chennai-600 003
- 3.Government of Tamil Nadu
Rep. By its Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai-9

...Respondents

Writ Petition filed praying to issue a Writ of Mandamus forbearing the 1st and 2nd respondent from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old No.197, (New No.403) Mint Street, Park Town, Chennai-600 003 pending determination of the Revision Petition submitted by the petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act.

For Petitioner : Mr.P.Ramanathan
For Respondents : Mr.K.Raja Shrinivas for R1
Mr.A.Nagarajan for R2
Mr.R.Prathpkumar, AGP for R3

O R D E R

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

Heard the learned counsel appearing for the respective parties.

2. In the accompanying affidavit filed in support of the Writ Petition, it is stated that as against the locking and sealing notice dated 07.10.2015 issued by the CMDA under Section 56 of the Town and Country Planning Act, (hereinafter called as "the Act"), the petitioner is stated to have preferred appeal to the 3rd respondent under Section 80-A of the Act along with stay application on 15.10.2015 and no orders are passed till date.

3. Now, the learned counsel appearing for the petitioner submits that the 1st respondent has again issued De-occupation Notice dated 23.08.2016 to the petitioner.

4. On a perusal of the records, it is seen that pending petitioner's Special Revision Petition under Section 80-A of the Town and Country Planning Act, De-occupation Notice was issued by the 1st respondent on 23.08.2016. Hence, we direct the 3rd respondent to consider the Special Revision Petition dated 15.10.2015 preferred by the petitioner, under Section 80(A) and 80(A)(3) of the Act and pass necessary orders in accordance with law, within a period of three months from the date of receipt of a copy of this order, after giving sufficient opportunity of hearing to the petitioner. Till the disposal of the said application, the respondents 1 and 2 shall not take any coercive steps against the petitioner's premises.

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

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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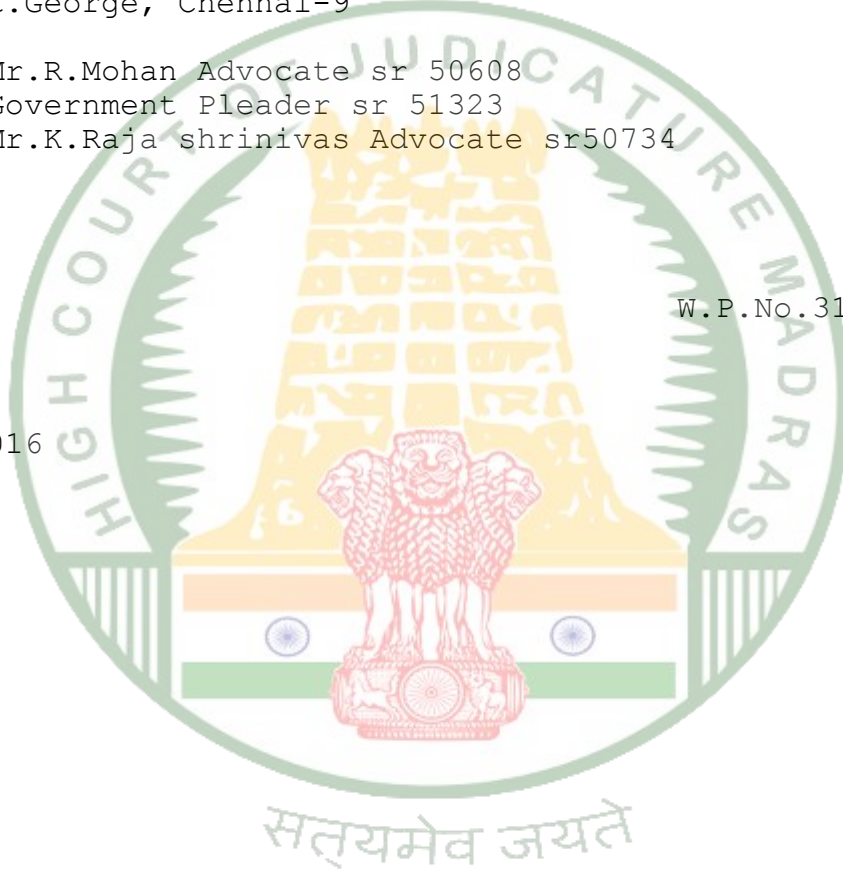
To

1. Member-Secretary
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road
Egmore, Chennai-8.
2. Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St.George, Chennai-9

+1 cc to Mr.R.Mohan Advocate sr 50608
+1 cc to Government Pleader sr 51323
+1 cc to Mr.K.Raja shrinivas Advocate sr50734

W.P.No.31136 of 2016

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