

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.9.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.32888 of 2016

and

W.M.P.No.28430 of 2016

1 M.Ponnurangam  
2 M.Gangadharan  
3 M.Harikrishnan  
4 M.Narayanan Petitioners

Versus

1 The Government of Taminadu  
Rep by its Secretary  
Housing & Urban Development Department  
Secretariat Fort St. George  
Chennai-600 009

2 The Regional Deputy Commissioner  
Corporation of Chennai (North)  
Having Office at No.61 Basin Bridge Road  
Old Washermenpet Chennai-600 021

3 The Executive Engineer  
Greater Chennai Corporation  
Zone-V No.61 Basin Bridge Road  
Old Washermenpet Chennai-600 021

4 The Assistant Executive Engineer  
Division-59 Unit -14 Zone-V  
Greater Chennai Corporation  
No.61 Basin Bridge Road  
Old Washermenpet Chennai-600 021

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the 2nd to 4th respondents from in any way interfering with the building at No. 10/2 (23/2), Venkatachalam Mudali Street, Park Town, Chennai- 600 003, particularly by way of De-Occupation notice and pending final determination of the appeal dated 29.07.2016 pending with the 1st respondent under section 80 A of the Tamil Nadu Town and Country Planning Act 1971.

For petitioners : Mr.D.Balachandran

For R1 : Mr.O.Selvam, Govt. Advocate

For R2 to R4 : Mr.V.C.Selvasekaran.

ORDER

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

Heard the learned counsel appearing for the petitioners and Mr.O.Selvam, learned Government Advocate for the first respondent and Mr.V.C.Selvasekaran, learned counsel for respondents 2 to 4, who are directed to take notice on behalf of their respective parties.

2. The writ petition has been filed seeking issuance of a writ of mandamus forbearing the 2nd to 4th respondents from in any way interfering with the building at No. 10/2 (23/2), Venkatachalam Mudali Street, Park Town, Chennai- 600 003, particularly by way of De-Occupation notice and pending final determination of the appeal dated 29.07.2016 pending with the 1st respondent under section 80 A of the Tamil Nadu Town and Country Planning Act 1971.

3. The case of the petitioners is that they are the absolute owners of the building in question and they sought permission for demolishing the existing building and to construct a new building and in such process, there was a slight deviation from the approval plan and now, they face the proceedings at the hands of respondents 2 to 4, by way of impugned de-occupation notice against which they had already filed an appeal under section 80A of the Tamil Nadu Town and Country Planning Act, 1971, before the first respondent and pending such appeal, the petitioners apprehend coercive action on the part of respondents 2 to 5 and hence, the present writ petition has been filed.

4. Considering the facts and circumstances of the case and the pendency of appeal, it is for the first respondent to consider the pending appeal filed under section 80A of the Act and accordingly, the first respondent is directed to consider and pass orders on the appeal filed by the petitioners, within a period of three months from the date of receipt of copy of this order. Till then, the respondents shall not take any coercive steps in this matter. In the meanwhile, the petitioners themselves shall try to set right the violation/deviation, if any. The petitioners shall produce all the relevant documents before the first respondent and co-operate for disposal of the appeal. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-  
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ssk.

To:

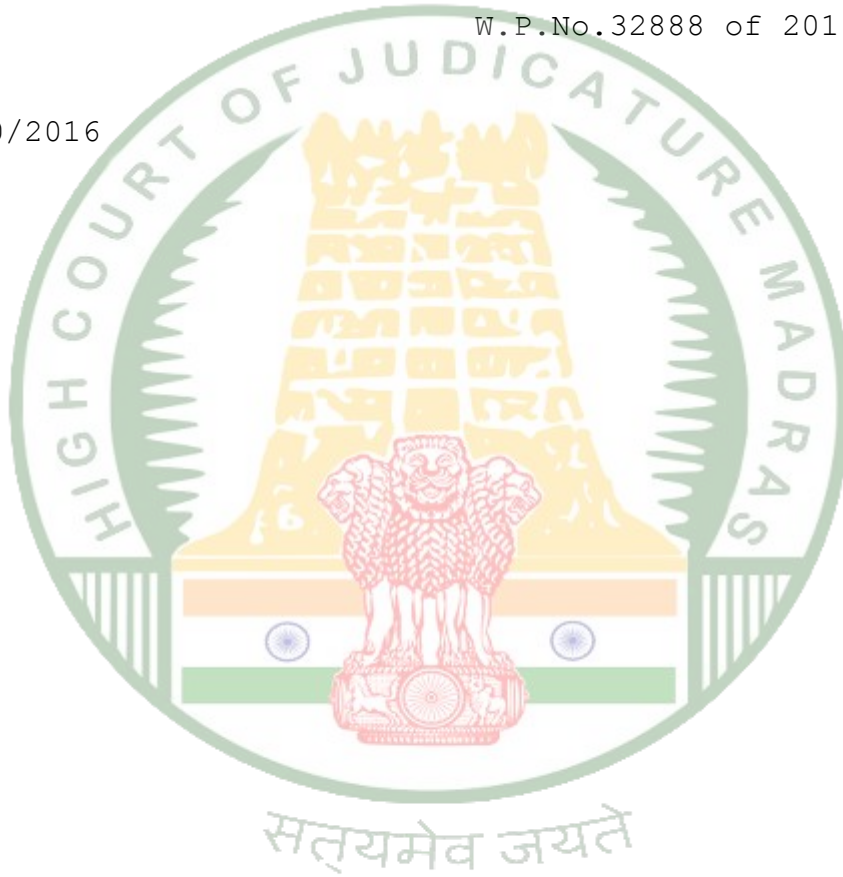
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+1 CC to Mr. D. Balachandram, Advocate Sr.No.53185  
+1 CC to Government Pleader, Sr.NO.53475

W.P.No.32888 of 2016

SR (CO)  
MD : 22/10/2016



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