

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM :

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

W.P.No.35040 of 2016
and
WMP No.30211 of 2016

Jameel Basha
@ Mohamed Jameel ... Petitioner

-Vs-

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai-9.
 2. The Corporation of Chennai,
Rep. By its Commissioner,
Rippon Buildings,
Chennai-600 003.
 3. The Executive Engineer
Zone - V
Corporation of Chennai
61, Basin Bridge Road
Chennai - 600 021.
- ... Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the 2nd and 3rd respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.6, Vepery High Road, Vepery, Chennai - 600 007, pending determination of the revision petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 07.09.2016.

For petitioners : Mr.P. Ramanathan

For respondent 1 : Mr.Vasudha Rangarajan

For respondents 2 & 3 : Mr.A.Nagarajan

O R D E R

(Order of the Court was made by Huluvadi G.Ramesh, J.)

Mr.Vasudha Rangarajan, takes notice for first respondent and Mr.A. Nagarajan for second and third respondents.

2. With the consent of all the parties, the matter is taken up for final disposal at the stage of admission itself.

3. This Writ Petition is filed by the petitioner seeking for a direction, forbearing the 2nd and 3rd respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.6, Vepery High Road, Vepery, Chennai - 600 007, pending determination of the revision petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 07.09.2016.

4. According to the Petitioner, he is the owner of the abovesaid property and to develop the same he obtained planning permission for stilt + two floors from the Corporation of Chennai vide PPA/WDCN05/00748/2015 dated 20.01.2016. In accordance with the said planning permission, petitioner put up the said building and he has also occupied the premises. During the course of constructions, minor deviations have been made in the building, which is permissible under the planning rules and regulations. The variations in the constructions are minor and negligible and can be regularised by submitting revised plan under Section 49 of the Tamil Nadu Town Planning Act. Subsequent to the occupation of the petitioner, the building has been duly assessed by Corporation of Chennai for payment of property tax. Whiles, the 3rd respondent issued a notice in Lr.No.Dn.58/0067/2016 dated 19.08.2016, for locking & sealing and demolition, under Section 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act. Against the said notice, the petitioner preferred a revision petition to the first respondent under Section 80-A of the Town and Country Planning Act along with Stay petition dated 07.09.2016. While the revision is pending, the officials of the 3rd respondent office, coerces the petitioner with locking and sealing, every now and then. Hence, the petitioner has approached this Court with this Writ Petition, for the relief stated supra.

5. Heard learned counsel for all the parties.

6. In respect of the alleged violation of the Planning Permission issued for construction of the building, a notice, dated 19.08.2016, has been issued by third respondent,

pointing out certain irregularities in the construction of the building. The petitioner has submitted his representation dated 07.09.2016 stating that the construction does not cause any inconvenience or disturbance to the neighbours or any one.

7. Considering the above averments and the submission made by the learned counsel for the petitioner, it is for the 1st respondent to consider the appeal dated 07.09.2016 filed by the petitioner and pass necessary orders in accordance with law within three months from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner. All the contentions are left open to the petitioner to be urged before the 1st respondent. Till a decision is taken by the 1st respondent, status quo as on date shall be maintained.

8. The Writ Petition is disposed of, accordingly. Consequently, the connected M.P is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai-9.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.
3. The Executive Engineer
Zone - V
Corporation of Chennai
61, Basin Bridge Road
Chennai - 600 021.

+1cc to Mr.P. Ramanathan, Advocate, S.R.No.56849
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.57140
+1cc to the Government Pleader, S.R.No.57333

W.P.No.35040 of 2016
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GM I (CO)
CA/18/11/2016)