

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.01.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice PUSHPA SATHYANARAYANA

W.P.No.505 of 2016

P.Devaraji

... Petitioner

Versus

1.Government of Tamil Nadu,
rep. By its Secretary,
Housing & Urban Development Department,
Secretariat, Chennai 600 009.

2.Corporation of Chennai
represented by its Commissioner
Ripon Building, Chennai 600003.

3.Corporation of Chennai
represented by its Executive Engineer (Enforcement)
Zone XV, O./o Regional Joint Commissioner (South)
115, Muthulakshmi Salai,
Adyar, Chennai 600 020.

4.Chennai Metropolitan Development
Authority represented by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600008.

...Respondents/ Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus, calling for the records of the first respondent in Letter No.20658/UD/IV(2)/2015 (3) dated 23.12.2015 relating to rejection of petitioner's application/appeal under Section 80(A) of the Town and Country Planning Act, 1971, pertaining to the building put up at Plot No.448, 7th South Cross Street, Kapaleeswarar Nagar, Neelangarai, Chennai 600 115 and quash the same and direct the respondents 2 to 4 to forbear them from in any way interfering with the petitioner's aforesaid building, particularly by way of demolition.

For Petitioner ::: Mr.D.S.Rajasekaran
For Respondents ::: Mr.P.H.Arvindpandian
Additional Advocate General
assisted by S.T.S.Murthi,
Government Pleader for R.1
Mr.K.Soundararajan for R.2 and R.3
Mr.C.Johnson for R.4

O R D E R

(The Order of the Court was made by The Hon'ble The ChiefJustice)

We have heard the learned counsel for the parties. The appeal filed by the petitioner under Section 80 of the Town and Country Planning Act, 1971, has already been rejected. In fact, ex facie there is so much violation in the building that it would not have been possible to regularise the same. Now the petitioner has sought modification of the plan, for which the appeal has been filed under Section 79 of the said Act.

2. Learned Additional Advocate General assures this court that the appeal in question will be attended to expeditiously and final view taken within a maximum period of two weeks from today. Since this appeal is being examined, till the decision in the appeal, the action of demolition may be kept in abeyance and the building for demolition will remain sealed.

3. The writ petition accordingly stands disposed of. No costs. Consequently WMP.Nos.352 and 353 of 2016 are closed.

-s/d-
Assistant Registrar(CSV)
dt:27/01/2016

True Copy

Sub-Assistant Registrar

ksr

To

1.The Secretary, Housing & Urban Development Department,
Secretariat, Chennai 600 009.

2. The Commissioner, Corporation of Chennai, Ripon Building,
Chennai-3.

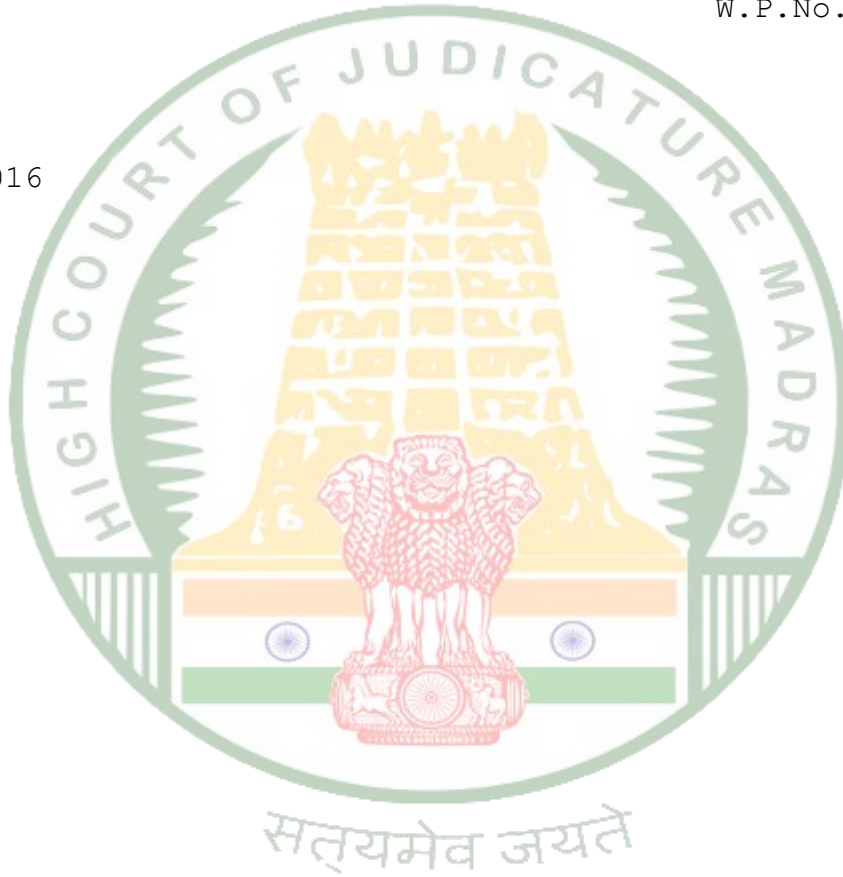
3.The Executive Engineer (Enforcement),
Zone XV, O./o Regional Joint Commissioner (South),
115, Muthulakshmi Salai, Adyar, Chennai 600 020.

4. The Member Secretary, Chennai Metropolitan Development
No.1, Gandhi Irwin Road, Egmore, Chennai 600008.

+1 cc to Mr.DS.Rajasekaran Advocate in sr.2500
+1 cc to Mr.K.Soundararajan Advocate in sr.2781

W.P.No.505 of 2016

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