

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6092 of 2017

R.Vinod Kumar Bokaria .. Petitioner

Vs.

- 1 The Government of Tamilnadu
rep. by its Secretary
Housing & Urban Development Department
Secretariat, Fort St.George
Chennai-9.
 - 2 The Regional Deputy Commissioner
Greater Chennai Corporation
O/o. Regional Deputy Commissioner (North)
No.61, Basin Bridge Road, Chennai-21.
 - 3 The Executive Engineer
RDC (North Office), Zone V
Greater Chennai Corporation
No.61, Basin Bridge Road
Chennai-21.
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing respondents 2 and 3 from in anyway interfering with the building at No.10/1, (23/1), Venkatachala Mudali Street, Park Town, Chennai - 600 003 particularly by way of De-Occupation notice and pending final determination of the appeal dated 2.8.2016 pending with the 1st respondent under section 80A of the Tamilnadu Town and Country Planning Act 1971.

For Petitioner : Mr.D.Balachandran

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for 1st respondent

Mr.R.Arunmozhi
for respondents 2 and 3

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the first respondent and Mr.R.Arunmozhi, learned counsel takes notice for respondents 2 and 3.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing respondents 2 and 3 from in anyway interfering with the building at No.10/1, (23/1), Venkatachala Mudali Street, Park Town, Chennai - 600 003 particularly by way of De-Occupation notice, pending final determination of the appeal dated 2.8.2016 pending with the 1st respondent under section 80A of the Tamilnadu Town and Country Planning Act 1971.

3. It is the case of the petitioner that he is the owner of the property and he submits that there was deviation from the approved plan. It is alleged that the second respondent issued lock and seal and demolition notice and de-occupation notice on 10.6.2016 on the ground that the constructed building violates the approval accorded. Assailing the same, the petitioner preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on 2.8.2016 and the same is pending consideration with the first respondent. Apprehending that the respondent authorities will take coercive action against the petitioner pending disposal of the appeal, the present writ petition is filed for the relief stated supra.

4. Considering the facts and circumstances of the case, we direct the first respondent to consider the appeal filed by the petitioner on 2.8.2016, if the same is not already disposed of, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner within three months from the date of receipt of a copy of this order. Till the disposal of the appeal, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.6523 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The Secretary
Government of Tamilnadu
Housing & Urban Development Department
Secretariat, Fort St.George
Chennai-9.
- 2 The Regional Deputy Commissioner
Greater Chennai Corporation
O/o. Regional Deputy Commissioner (North)
No.61, Basin Bridge Road, Chennai-21.
- 3 The Executive Engineer
RDC (North Office), Zone V
Greater Chennai Corporation
No.61, Basin Bridge Road
Chennai-21.

+1cc to Mr.Balachandran, Advocate, S.R.No.16412
+1cc to Ms.Arunmozhi, Advocate, S.R.No.16094
+1cc to the Government Pleader, S.R.No.16311

RSK(CO)
RS(23/03/2017)

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