

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2017

CORAM

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

AND

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5141 of 2017

Gouthamraj

... Petitioner

Vs.

1. The State,
Rep. by Secretary to Government of Tamilnadu
Housing and urban Department
Fort St. George, Chennai- 600 009.
 2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai- 600 003.
 3. The Executive Engineer
Zone-8, Ward-95
Corporation of Chennai
Chennai- 600 049.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing respondents 2 and 3 in any manner initiating coercive action for locking and sealing and demolition of petitioner's property situated at New Door No.10, Old Door No.3A, Plot No.6, 1st Cross Street, South High Court Colony, Villivakkam, Chennai- 600 049 pending disposal of appeal dated 30.01.2017 under section 80-A of the Town and Country Planning act 1971 before the 1st respondent herein.

For Petitioner : Mr.M.A.Gouthaman

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

Mr.V.C.Selvasekaran
for respondents 2 and 3

ORDER

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

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing respondents 2 and 3 from in any manner initiating coercive action for locking and sealing and demolition of petitioner's property situated at New Door No.10, Old Door No.3A, Plot No.6, 1st Cross Street, South High Court Colony, Villivakkam, Chennai- 600 049 pending disposal of appeal dated 30.01.2017 under Section 80-A of the Town and Country Planning act 1971 before the 1st respondent herein.

4. The petitioner claims to be the owner of the building and states that the construction was made long back. However, the respondent/authorities issued lock and seal notice, followed by de-occupation notice. Against the same, the petitioner has preferred an appeal under Section 80A of the Act on 30.1.2017. However, it is alleged that no orders have been passed by the first respondent till date. Hence, the present writ petition is filed.

5. Considering the facts and circumstances of the case, we direct the first respondent to consider the appeal filed by the petitioner on 30.1.2017 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.5435 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

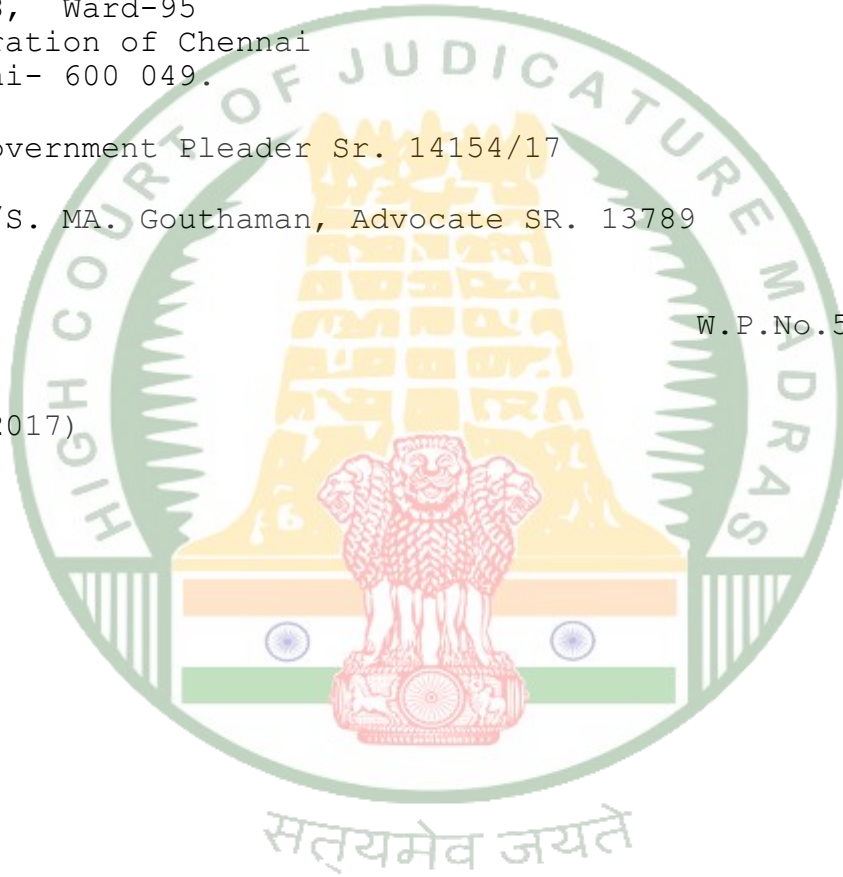
1. The Secretary to Government of Tamilnadu
State, Housing and urban Department
Fort St. George, Chennai- 600 009.
2. The Commissioner
Corporation of Chennai
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3. The Executive Engineer
Zone-8, Ward-95
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Chennai- 600 049.

+1cc to Government Pleader Sr. 14154/17

+1cc to M/S. MA. Gouthaman, Advocate SR. 13789

W.P.No.5141 of 2017

SV(CO)
VR(06/03/2017)



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