

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.6214 of 2017

J.Madhana Gopal Rao

.. Petitioner

Vs.

- 1 The Corporation of Chennai
Rep. by its Commissioner
Rippon Building
Chennai - 600 003.
 - 2 The Executive Engineer
Zone 5, O/o Regional Deputy Commissioner (North)
Corporation of Chennai
No.62, Basin Bridge Road
Chennai - 600 021,
 - 3 The Government of Tamilnadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at 52/1, (116) Varadha Muthiappan Street, George Town, Chennai - 600 001 pending determination of the revision petition submitted by the petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 11.01.2017 with the 3rd respondent.

For Petitioner : Mr.R.Mohan

For Respondents

: Mr.A.Nagarajan
for respondents 1 and 2

Mr.R.Vijayakumar
Addl. Government Pleader
for 3rd respondent

ORDER

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

Mr.A.Nagarajan, learned counsel takes notice for respondents 1 and 2 and Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the third respondent.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at 52/1, (116) Varadha Muthiappan Street, George Town, Chennai - 600 001 pending determination of the revision petition submitted by the petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 11.01.2017 with the 3rd respondent.

3. It is the case of the petitioner that he is the owner of the property and reconstructed the building after obtaining permission. He states that while reconstructing, there were minor deviations from the approved plan. It is alleged that the second respondent issued lock and seal and demolition notice and de-occupation notice dated 26.8.2016 on the ground that the constructed building violates the approval accorded. Assailing the same, the petitioner preferred special revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 along with a stay petition on 11.1.2017 and the same is pending consideration with the third respondent. Apprehending that the respondent authorities will take coercive action against the petitioner pending disposal of the special revision, the present writ petition is filed for the relief stated supra.

4. Considering the facts and circumstances of the case, we direct the third respondent to consider the special revision petition and the stay petition filed by the petitioner on 11.1.2017, 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 special revision, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.6707 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.
- 2 The Executive Engineer
Zone 5, O/o Regional Deputy Commissioner (North)
Corporation of Chennai
No.62, Basin Bridge Road
Chennai - 600 021,
- 3 The Secretary to Government
Government of Tamilnadu
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.

+1cc to Mr.R. Mohan, Advocate, S.R.No.16120
+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.16093
+1cc to the Government Pleader, S.R.No.16308

rsk(CO)
md(22/03/2017)

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