

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.6215 of 2017

1 P.Sriramulu
2 P.Muthukrishnan
3 M.Rajeswari
4 V.Divya
5 S.Anusuya Devi
6 P.Venkatesan
7 V.Uma Maheswari
8 P.Priyanka
9 P.Damodharan ... Petitioners

Vs.

1 Chennai Metropolitan Development Authority
Rep by Member-Secretary
No.1, Gandhi-Irwin Road, Egmore
Chennai-8.
2 Corporation of Chennai
Rep by Commissioner
Ripon Buildings, Chennai-3.
3 Government of Tamil Nadu
Rep by Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-9. .. 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 No.87/40, Nattu Pillayar Koil Street, George Town, Chennai - 1, comprised in R.S.No.6736/1, Block No.58 of V.O.C. Nagar pending determination of the Revision/Appeal petition submitted by the petitioner under section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 03.03.2017 to the 3rd respondent herein.

For Petitioners

: Mr.R.Mohan

For Respondents

: Mr.K.Raja Srinivas
for 1st respondent

Mr.A.Nagarajan
for 2nd respondent

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

ORDER

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

Mr.K.Raja Srinivas, learned counsel takes notice for the first respondent. Mr.A.Nagarajan, learned counsel takes notice for the second respondent and Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the third respondent.

2. The petitioners have 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 No.87/40, Nattu Pillayar Koil Street, George Town, Chennai - 1, comprised in R.S.No.6736/1, Block No.58 of V.O.C. Nagar pending determination of the Revision/Appeal petition submitted by the petitioner under section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 03.03.2017 to the 3rd respondent herein.

3. It is the case of the petitioners that they are owners of the various properties in Nattu Pillaiyar Koil Street, George Town, Chennai and constructed the buildings after obtaining planning permission. It is their further plea that after purchasing the properties, they modified the purpose and obtained the present plans. It is alleged that the first respondent/CMDA issued lock and seal and demolition notice dated 2.2.2017 on the ground that the constructed building violates the approval accorded. Assailing the same, the petitioners preferred special revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 along with a stay petition on 3.3.2017 and the same is pending consideration with the third respondent, but however no orders have been passed on the same till date. Apprehending that the respondent authorities will take coercive action against the petitioners 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 petitioners on 3.3.2017 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioners 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.6708 of 2017 is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To:

- 1 The Member-Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi-Irwin Road, Egmore
Chennai-8.
- 2 The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai-3.
- 3 The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai-9.

+1 cc to Govt.Pleader,sr.16313

+1 cc to Mr.K.Raja Shrinivas,advocate,sr.16273

+1 cc to Mr.R.Mohan,advocate,sr.16119

+1 cc to M/s.R.Arunmozhi,advocate,sr.16092.

kk(co)
krd 27/3

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