

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.6229 of 2017

and

W.M.P.No.6722 of 2017

M/s.J.S.P.Automotive,
rep. by its Proprietor Mrs.P.Jhansi,
No.Y-219, 2nd Avenue,
Anna Nagar,
Chennai-600 040. ... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Chennai - 600 008. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the second respondent or his men from initiating any coercive action of locking and sealing and demolition with regard to the building constructed in No.Y-219, 2nd Avenue, Anna Nagar, Chennai - 600 040 pending determination of the Appeal petition submitted by the petitioner under Section 80-A (3) of the Tamilnadu Town and Country Planning Act dated 01.03.2017.

For Petitioner : Mr.P.N.Chezhian

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

Mr.Rajasrinivas
for 2nd respondent

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. Mr.Rajasrinivas, learned counsel takes notice for the second respondent.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus forbearing the second respondent or his men from initiating any coercive action of locking and sealing and demolition with regard to the building constructed in No.Y-219, 2nd Avenue, Anna Nagar, Chennai - 600 040 pending determination of the special revision petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act.

4. The petitioner claims to be the owner of the building. Prior to the purchase of the property by the petitioner, the erstwhile owners had executed a power of attorney in favour of petitioner's husband, who had applied to the Chennai Corporation for planning permit and building approval. After obtaining building and planning approval, he had constructed basement, ground floor, first floor and second floor without any deviation. It is stated that due to certain deviations, the second respondent issued a lock and seal notice on 03.02.2017. Against the same, the petitioner has preferred a special revision before the first respondent under Section 80-A of the Act along with a petition for stay. However, it is alleged that no orders have been passed by the first respondent even in the stay petition till date. The petitioner is apprehending that the second respondent would take coercive steps to demolish the building. Hence, the present writ petition is filed.

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

6. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.6722 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Chennai - 600 008.

+1cc to Mr.Rajasrinivas, Advocate, S.R.No.16272
+1cc to Mr.Thanjai pnchezian, Advocate, S.R.No.15971
+1cc to the Government Pleader, S.R.No.16314

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

सत्यमेव जयते

W.P.No.6229 of 2017

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