

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7240 of 2017
and W.M.P.No.7881 of 2017

1. Ramesh Kumar Hirani

2. Manju Devi

Petitioners

-vs-

1. The Corporation of Chennai,
Rep by its Commissioner,
Ripon Building,
Chennai - 600 003

2. The Executive Engineer,
Enforcement - Region Central,
Corporation of Chennai,
2nd Cross Street, (East) Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030

3. Government of Tamil Nadu,
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009

Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the first and second Respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at New Door No.32, Old Door No.263, Purasawalkam High Road, Purasawalkam, Chennai - 600 007, pending determination of the Revision petition submitted by the petitioner under sections 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 15.03.2017 with the third respondent.

For Petitioner : Mr.R. Mohan
For R3 : Mr.M.K. Subramanian,
Government Pleader
For R1 and R2 : Mr.R. Arunmozhi

ORDER

(Order of the Court was made by
THE HON'BLE ACTING CHIEF JUSTICE)

Mr.R.Arunmozhi, learned counsel takes notice for respondents 1 and 2. Mr.M.K.Subramanian, learned Government Pleader takes notice for the third respondent.

2. Heard the learned counsel for the parties.

3. The petitioners have filed this writ petition seeking issuance of a Writ of Mandamus forbearing the first and second Respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at New Door No.32, Old Door No.263, Purasawalkam High Road, Purasawalkam, Chennai - 600 007, pending determination of the Revision petition submitted by the petitioner under sections 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 15.03.2017 with the third respondent.

4. The petitioners claim to be joint owners of the property in question. It appears that due to certain deviations in the construction, lock and seal notice was issued to the petitioners on 29.6.2016. Against the same, the petitioners have preferred a special revision before the third respondent under Section 80-A of the Act along with a petition for stay. However, it is alleged that no orders have been passed even in the stay petition till date. The petitioners are apprehending that the respondent-authorities 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 third respondent to consider the special revision petition and the stay petition filed by the petitioners 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 petition, no coercive steps shall be taken by the respondent authorities.

6. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
The Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003
2. The Executive Engineer,
Enforcement - Region Central,
Corporation of Chennai,
2nd Cross Street, (East) Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030
3. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009

+1 CC to Mr. R. Arunmozhi, Advocate sr 18435

+1 Cc to Mr. R. Mohan, Advocate sr 18431

सत्यमेव जयते

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