

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.7241 of 2017
and W.M.P.No.7882 of 2017

Lakshmi Ajoy Kumar .. Petitioner

-vs-

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

2. The Corporation of Chennai,
Rep. By its Commissioner,
Ripon Buildings,
Chennai - 600 003

3. The Executive Engineer,
Zone VIII, Corporation of Chennai,
Second Cross Street, Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the second respondent and third respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the main building (front side) existing at ground floor of Block No.81-A, Door No.AE-135, 4th Avenue (Shanthi Colony), Anna Nagar, Chennai 600 040 pending determination of the Revision / Review petition submitted by the petitioner under section 80-A of the Tamil Nadu town and Country Planning Act dated 16.03.2017 with the first respondent.

For Petitioner : Mr.R. Mohan

For R1 : Mr.M.K. Subramanian,
Government Pleader

For R2 and R3 : Mr.R.Arunmozhi

ORDER

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

Mr.M.K.Subramanian, learned Government Pleader takes notice for the first respondent. Mr.R.Arunmozhi, 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 forbearing the second respondent and third respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the main building (front side) existing at ground floor of Block No.81-A, Door No.AE-135, 4th Avenue (Shanthi Colony), Anna Nagar, Chennai 600 040 pending determination of the Revision / Review petition submitted by the petitioner under section 80-A of the Tamil Nadu town and Country Planning Act dated 16.03.2017 with the first respondent.

4. The petitioner claims to be the owner of the property in question. It appears that alleging unauthorized/deviated construction, de-occupation notice was issued to the petitioner on 27.2.2017. 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 even in the stay petition till date. The petitioner is 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 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, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Corporation of Chennai,
Rep. By its Commissioner,
Ripon Buildings,
Chennai - 600 003
3. The Executive Engineer,
Zone VIII, Corporation of Chennai,
Second Cross Street, Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030

+1cc to Mr.Mohan, Advocate, S.R.No.18432
+1cc to the Government Pleader, S.R.No.18832

W.P.No.7241 of 2017

KS (CO)
RS (11/04/2017)

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