

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2017

CORAM

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

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5300 of 2017

V.Kamal Chand

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-9.
2. The Corporation of Chennai
Rep. by Commissioner
Ripon Buildings
Chennai-3.
3. The Executive Engineer
Zone V, Corporation of Chennai
No.61, Basin Bridge Road
Chennai-21.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing respondents 2 and 3 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old No.44, New No.30, Perumal Koil Garden Main Street, Kondithope (Sowcarpet), Chennai- 79 pending determination of the Appeal/Revision petition submitted by the petitioner under Section 80A and 80A(3) of the Tamil Nadu Town and Country Planning Act dated 12.09.2016.

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

Mr.R.Arunmozhi
for respondents 2 and 3

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 and 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 respondents 2 and 3 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old No.44, New No.30, Perumal Koil Garden Main Street, Kondithope (Sowcarpet), Chennai- 79 pending determination of the Appeal/Revision petition submitted by the petitioner under Section 80A and 80A(3) of the Tamil Nadu Town and Country Planning Act dated 12.09.2016.

4. The petitioner is the owner of the property in question. Alleging that there was unauthorized construction, the Corporation authorities issued lock and seal notice. Challenging the same, the petitioner filed an appeal under Section 80A of the said Act along with an application for stay and the same are pending before the first respondent. Apprehending that the respondent authorities may proceed with locking and sealing of the premises, the present writ petition is filed.

5. Considering the facts and circumstances of the case, we direct the first respondent to consider the appeal and stay petition filed by the petitioner on 12.9.2016 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 appeal, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.5609 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To

1. The Secretary to Government
State of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai-9.
2. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai-3.
3. The Executive Engineer
Zone V, Corporation of Chennai
No.61, Basin Bridge Road
Chennai-21.

+1cc to Mr.Arunmozhi, Advocate, S.R.No.14212
+1cc to Mr.Mohan, Advocate, S.R.No.13610

PPA(CO)
RS(09/03/2017)

सत्यमेव जयते

W.P.No.5300 of 2017

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