

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.5323 of 2017
and
W.M.P.No.5665 of 2017

Vupputtur Alwar Chettys Charities Trust,
rep. by Secretary, President & Trustees,
Appoint and Nomine, General Power of Attorney
M.Mohammed Kasim,
No.1,3,5 (1,2,3) Stringer Street,
Kothavalchavadi,
Sowcarpet,
Chennai-600 001. ... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep by its Secretary,
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Having office at No.61, Basin Bridge Road,
Old Washermenpet,
Chennai - 600 021.
3. The Executive Engineer,
Greater Chennai Corporation, Zone - V,
No.61, Basin Bridge Road,
Old Washermenpet, Chennai-600 021.
4. The Assistant Executive Engineer,
Division - 57, Unit - 13, Zone - V,
Sowcarpet,
Chennai - 600 001. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India
for issuance of a writ of Mandamus forbearing the 2nd to 4th
respondents from in any way interfering with the building at
No.1,3,5 (1,2,3), Stringer Street, Kothavalchavadi, Chennai -
600 001, particularly by way of locking and sealing and

demolition and de-occupation notice and pending final determination of the appeal dated 15.11.2016 pending with the 1st respondent under Section 80 A of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.D.Balachandran

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

Mr.R.Arunmozhi
for respondents 2 to 4

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.R.Arunmozhi, learned counsel takes notice for respondents 2 to 4.

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 to 4 from in any way interfering with the building at Nos.1, 3, 5 (1,2,3), Stringer Street, Kothavalchavadi, Chennai-1 by way of locking and sealing and demolition and de-occupation notice till the final determination of the petitioner's special revision petition filed under Sec.80-A of the Tamil Nadu Town and Country Planning Act, 1971 pending with the 1st respondent.

4. The petitioner claims to be the owner of the building, having constructed the same after obtaining planning permission from the authorities concerned. It is stated that due to certain deviations, the second respondent issued a lock and seal notice on 27.5.2016. Against the same, the petitioner has preferred a special revision under Section 80A of the Act along with a petition for stay on 15.11.2016. However, it is alleged that no orders have been passed by the first respondent even in the stay petition till date. 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 on 15.11.2016 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 special

revision, 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.5665 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

bbr

To:

1. The Secretary,
Housing & Urban Development Department,
Secretariat, Fort St. George, Chennai-600 009.
2. The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Having office at No.61, Basin Bridge Road,
Old Washermenpet, Chennai - 600 021.
3. The Executive Engineer,
Greater Chennai Corporation, Zone - V,
No.61, Basin Bridge Road,
Old Washermenpet, Chennai-600 021.
4. The Assistant Executive Engineer,
Division - 57, Unit - 13, Zone - V,
Sowcarpet, Chennai - 600 001.

+1cc to Government Pleader sr.14160

+1cc to Mr.A.Nagarajan, Advocate sr.14016

+1cc to Mr.D.Balachandran, Advocate sr.13519

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ss(14/03/2017)

W.P.No.5323 of 2017

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