

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

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

W.P.No.6318 of 2017

M/s.Terapanth Educational and
Medical Trust,
Rep. by its Secretary, Chaganmal Dhoka
S/o.Misrimull Dhoka
No.32, Vadamalai Street
Sowcarpet (Kondithope)
Chennai - 600 079. ... Petitioner

Vs.

- 1 The Government of Tamilnadu
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
Rippon Building
Chennai - 600 003.
- 3 The Executive Engineer (Enforcement)
Zone V, Corporation of Chennai
O/o. Regional Deputy Commissioner (North)
No.62, Basin Bridge Road
Chennai - 600 021. ... Respondents

PRAYER: Petition filed 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 action with regard to the petitioner's school building put up at No.3/2 and 2A, Amman Koil Street (First Lane), Kondithope, Chennai - 79 pending determination of petitioner's revision petition dated 05.01.2017 with the 1st respondent herein.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.R.Vijayakumar
Additional Govt. Pleader
for 1st respondent

Mr.A.Nagarajan
for respondents 2 and 3

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent and Mr.A.Nagarajan, learned counsel takes notice for respondents 2 and 3.

2. 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 action with regard to the petitioner's school building put up at No.3/2 and 2A, Amman Koil Street (First Lane), Kondithope, Chennai - 79 pending determination of petitioner's revision petition dated 05.01.2017 with the 1st respondent herein.

3. The petitioner/trust is running a matriculation school. Alleging violations in the construction, the respondent authorities issued lock and seal notice. As against the same, the petitioner/trust preferred a review/revision petition under Sections 81 and 80A of the Tamil Nadu Town and Country Planning Act, 1971 on 5.1.2017 along with a stay application. Apprehending that the respondent authorities will take coercive action against the petitioner, the present writ petition is filed for the relief stated supra.

4. The petitioner also filed an affidavit dated 16.3.2017, undertaking as under:

"5. I submit that in order to rectify the deviations in the constructions from the original plan approval issued by Corporation on 28.01.2009, I seek the indulgence of this Hon'ble Court to permit me to carry out the rectifications of deviations in the constructions put up at No.3/2 & 2A, Amman Koil Street, 1st Lane, Sowcarpet, Chennai-79. I seek this Hon'ble Court to record my undertaking and grant me permission to rectify the deviations in the constructions put up by granting 3 months time."

5. Considering the facts and circumstances of the case, we direct the first respondent to consider the review/revision filed by the petitioner on 5.1.2017 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. All the contentions raised in this writ petition are left open to be urged by the petitioners before the appellate authority. The petitioner, in terms of the undertaking recorded above, is permitted to rectify the deviations in the constructions, pending disposal of the review/revision.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.6810 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi
To:

- 1 The Secretary to Government
Government of Tamilnadu
rep. by its
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.
- 2 The Corporation of Chennai
Rep. by its Commissioner
Rippon Building
Chennai - 600 003.
- 3 The Executive Engineer (Enforcement)
Zone V, Corporation of Chennai
O/o. Regional Deputy Commissioner (North)
No.62, Basin Bridge Road
Chennai - 600 021.

+1cc to M/s.R.Mohan,Advocate sr.16672

+1cc to M/s.A.Nagarajan,Advocate sr.16088

+1cc to M/s.A.Nagarajan,Advocate sr.16810

W.P.No.6318 of 2017

gm1 (co)
ss (3/4/2017)