

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

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

W.P.No.6320 of 2017
and
W.M.P.No.6813 of 2017

Umar Abdullah Sait ... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai-9.
2. The Executive Engineer,
Greater Chennai Corporation,
Zone-V, Thiruvottiyur High Road,
Chennai - 600 021. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 1 and 2 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at Door No.221 & 222, NSC Bose Road, George Town, Chennai-1 under Town and Country Planning Act till the disposal of the petitioner's appeal under Section 80-A of the Tamil Nadu Country Planning Act dated 03.03.2017 pending on the file of the first respondent.

For Petitioner : Mr.L.Chandra Kumar

For Respondents : Mr.R.Vijaya Kumar
Adl. Government Pleader
for 1st respondent

Mr.V.C.Selvasekaran
for 2nd respondent

ORDER

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

Mr.R.Vijaya Kumar, learned Additional Government Pleader takes notice for the first respondent. Mr.V.C.Selvasekaran, learned counsel takes notice for the second respondent.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at Door No.221 & 222, NSC Bose Road, George Town, Chennai-1 till the disposal of the petitioner's appeal under Section 80-A of the Tamil Nadu Country Planning Act dated 03.03.2017 pending on the file of the first 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 notices on 28.02.2017 & 01.03.2017. 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 on 03.03.2017. 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 dated 03.03.2017 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, W.M.P.No.6813 of 2017 is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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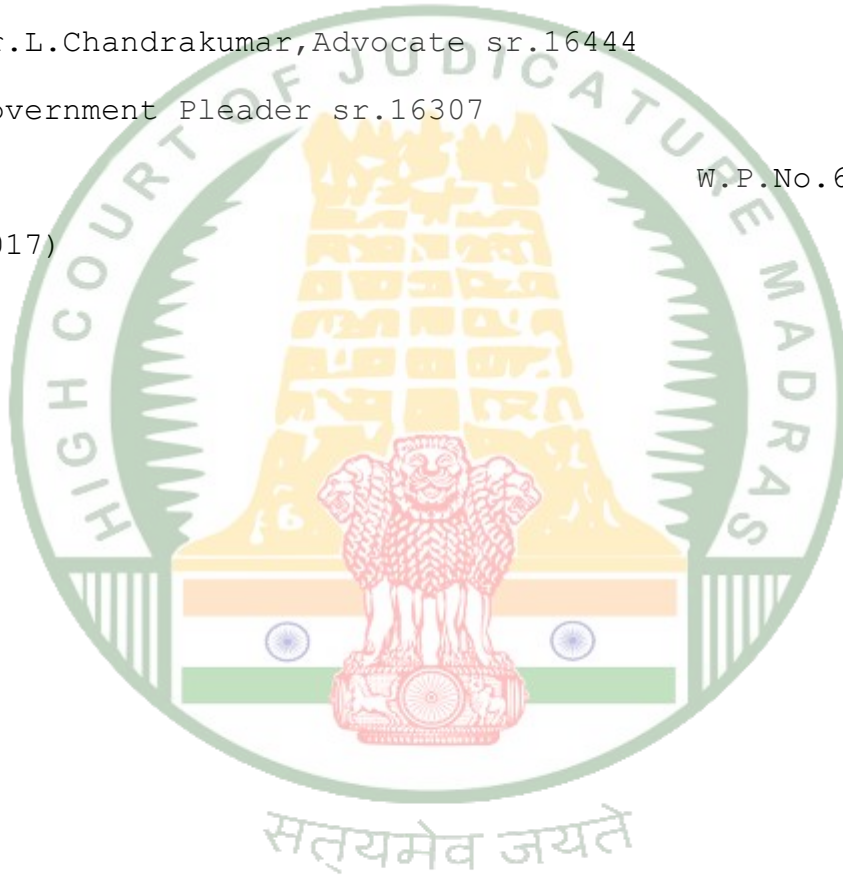
1. The Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai-9.
2. The Executive Engineer,
Greater Chennai Corporation,
Zone-V, Thiruvottiur High Road,
Chennai - 600 021.

+1cc to Mr.L.Chandrakumar,Advocate sr.16444

+1cc to Government Pleader sr.16307

W.P.No.6320 of 2017

sks (co)
ss(23/3/2017)



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