

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2017

CORAM

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

AND

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5426 of 2017

and W.M.P.No.5755 of 2017

1 Parvathi  
2 Thulasi Devi  
3 B.Jagadish .. Petitioners

Vs.

1 The Commissioner  
Corporation of Chennai  
Rippon Buildings  
Chennai-3.  
2 The Executive Engineer (Enforcement)  
Zone V, Corporation of Chennai  
No.62 Basin Bridge Road  
Chennai-21.  
3 The Government of Tamil Nadu  
rep. by its Secretary to Government  
Housing and Urban Development Department  
Fort St. George, Chennai-9. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at New No.51, Old No.25, Mullah Sahib Street, Kondithope, Chennai-79 pending determination of the Revision/Appeal petition submitted by the petitioner under section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 7.2.2017.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.A.Nagarajan  
for respondents 1 and 2

Mr.T.N.Rajagopalan  
Spl. Government Pleader  
for 3<sup>rd</sup> respondent

#### ORDER

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

Mr.A.Nagarajan, learned counsel takes notice for respondents 1 and 2. Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the third 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 respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at New No.51, Old No.25, Mullah Sahib Street, Kondithope, Chennai-79 pending determination of the Revision/Appeal petition submitted by the petitioner under section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 7.2.2017.

4. The petitioners claim to be joint owners of the property. The Corporation authorities found deviations/unauthorized constructions in the premises and issued Lock and Seal and Demolition Notice on 3.2.2017. Aggrieved by the same, the petitioners filed an appeal dated 7.2.2017 under Section 80A of the TN Town and Country Planning Act, 1971 along with stay petition. However, no orders have been passed till date. Hence, the present writ petition.

5. Considering the facts and circumstances of the case, we direct the third respondent to consider the appeal and the stay petition filed by the petitioners on 7.2.2017 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioners 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, connected miscellaneous petition is closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

- 1 The Commissioner  
Corporation of Chennai  
Rippon Buildings  
Chennai-3.
- 2 The Executive Engineer (Enforcement)  
Zone V  
Corporation of Chennai  
No.62 Basin Bridge Road  
Chennai-21
- 3 The Secretary to Government  
Government of Tamil Nadu  
Housing and Urban Development Department  
Fort St. George  
Chennai-9.

+1cc to Mr.R.Mohan,Advocate sr.13817

+1cc to Mr.A.Magarajan,Advocate sr.14012

+1cc to Government Pleader sr.14250

ks(co)  
ss(8/3/2017)

W.P.No.5426 of 2017

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