

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.5427 of 2017

and W.M.P.No.5748 of 2017

Tarakaram

rep. by his Power Agent Mr.J.Harikumar

No.32/26 Arumugam Street,

George Town, Chennai - 600 079.

... Petitioner

Vs.

1.Government of Tamil Nadu

Rep. by its Secretary to Government

Housing and Urban Development Department

Fort St. George Chennai 9.

2.The Corporation of Chennai

Rep. by its Commissioner

Rippon Buildings

Chennai 600 003.

3.The Executive Engineer

Zone V Corporation of Chennai

62 Basin Bridge Road

Chennai 600 021.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the second and third Respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at 32/26 Arumugam Street George Town Sowcarpet Chennai 600 079 pending determination of the revision petition submitted by the petitioner under section 80-A of the Tamil Nadu Town and country planning act dated 01.03.2017 with the first respondent.

For Petitioner : Dr.P.Vasudevan

For Respondents : Mr.M.K.Subramanian
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.M.K.Subramanian, learned Government Pleader takes notice for the first respondent. Mr.R.Arunmozhi, learned counsel takes notice for the second and third respondents.

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 32/26, Arumugam Street, George Town, Sowcarpet, Chennai - 600 079, pending determination of the revision petition submitted by the petitioner under section 80-A of the Tamil Nadu Town and Country Planning Act dated 01.03.2017 by the first respondent.

4. The petitioner is the owner of the property. Alleging that there are deviations in the construction, the respondent authorities issued a lock and seal notice. Calling into question the said notice, the petitioner filed a revision under Section 80A of the said Act on 1.3.2017 along with a stay petition and the same is pending consideration. Apprehending that the respondent authorities may take coercive action of 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 revision along with the stay petition filed by the petitioner on 1.3.2017 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 revision, 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

To:

- 1.The Secretary to Government
Housing and Urban Development Department
Fort St. George Chennai 9.
- 2.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003.
- 3.The Executive Engineer
Zone V Corporation of Chennai
62 Basin Bridge Road
Chennai 600 021.

+1cc to Dr. P. Vasudevan, Advocate Sr. 13818
+1cc to Mr. R. Arunmozhi, Advocate Sr. 14213
+1cc to the Government Pleader, Sr. 14715

W.P.No.5427 of 2017

GR(CO)
VR(20/03/2017)

सत्यमेव जयते

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