

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM :

The Hon'ble MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.4413 of 2017

and

W.M.P.No.4622 of 2017

Pankaj Jain

...Petitioner

-vs-

1. The State of Tamilnadu,  
rep. by its Secretary,  
Housing and Urban Development Authority,  
Fort St. George,  
Chennai-9.

2. Chennai Metropolitan Development Authority,  
rep. by its Member Secretary,  
No.1, Gandhi Irwin Road,  
Egmore, Chennai-600 008. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the second respondent in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises Old No.40, New No.88, Anna Pillai street, Chennai-600 001 under Town and Country Planning Act till the final determination of the petitioner's special revision petition filed under Section 80(A) of the Tamil Nadu Town and Country Planning Act along with Stay Petition filed under Section 80(A)(3) of the Act dated 16.02.2017 pending with the first respondent.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.R.Vijayakumar  
Addl. G.P. for R1

Mr.Raja Srinivas for R2

## ORDER

(Order of the Court was made by The Hon'ble Acting Chief Justice)  
Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent and Mr.Raja Srinivas, learned counsel takes notice for the second respondent.

2. Heard the learned counsel for parties.

3. The petitioner has filed this writ petition seeking issuance of a mandamus forbearing the second respondent in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises in Old No.40, New No.88, Anna Pillai Street, Chennai till the final determination of the Special Revision Petition filed under Section 80 (A) of the Tamil Nadu Town and Country Planning Act, 1905 along with the Stay Petition filed under Section 80 (A) (3) of the said Act.

4. The petitioner is the owner of the property situated at Old No.40, New No.88, Anna Pillai Street, Chennai-1. The petitioner after obtaining building permission had commenced the construction and completed the same way back in the year 2012. It is the say of the petitioner that while putting up such construction, the petitioner made some additions and alterations to suit the needs and convenience and that the petitioner has filed a revised plan application before the second respondent. Pending consideration of the said application, locking and sealing notice dated 16.11.2016 and de-occupation notice dated 02.02.2017 were issued. Aggrieved by the same, the petitioner preferred a Special Revision Petition before the first respondent under Section 80 (A) of the Tamil Nadu Town and Country Planning Act, 1905 and the same is pending consideration. While things stood thus, two days back the officials of the second respondent came to the premises of the petitioner and threatened with locking and sealing action. Hence, the present petition is filed for the relief stated supra.

5. Considering the facts and circumstances of the case, we direct the first respondent to dispose of the Special Revision Petition filed by the petitioner in accordance with law within three months from the date of receipt of a copy of this order. In the interregnum, the respondent/authorities shall not take any coercive steps.

6. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.4622 of 2017 is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

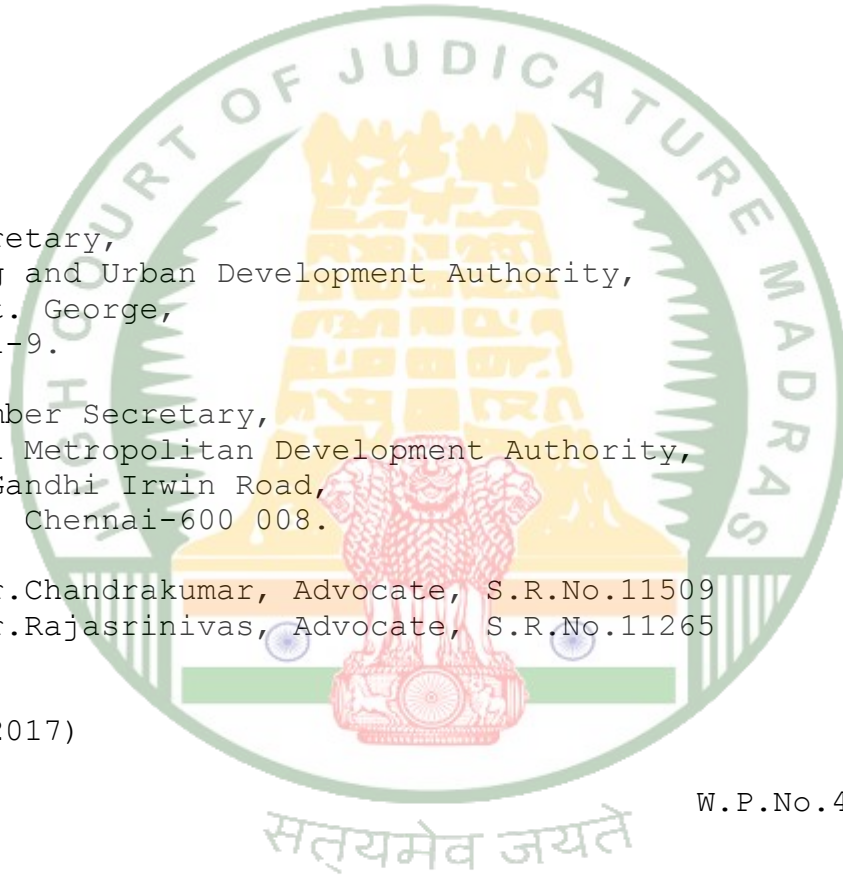
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To

1. The Secretary,  
Housing and Urban Development Authority,  
Fort St. George,  
Chennai-9.
2. The Member Secretary,  
Chennai Metropolitan Development Authority,  
No.1, Gandhi Irwin Road,  
Egmore, Chennai-600 008.

+1cc to Mr.Chandrakumar, Advocate, S.R.No.11509  
+1cc to Mr.Rajasrinivas, Advocate, S.R.No.11265

KJ(CO)  
RS(27/02/2017)



W.P.No.4413 of 2017

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