

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

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

AND

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6475 of 2017

N.A. Ramanathan ... Petitioner

Vs.

- 1 Government of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai - 600 009.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore
Chennai - 600 008. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the second respondent from initiating any coercive action of locking and sealing and demolition or any other consequential action on the 25 numbers of ground floor shops (Metal Sheet Roof) at No.231/71, OMR Food Street (Rajiv Gandhi Salai), Okkiyam Thoraipakkam, Chennai - 600 097 pending disposal of the Appeal/Revision dated 13.03.2017 filed by the petitioner before the first respondent.

For Petitioner : Mr.S.John J.Raja Singh

For Respondent : Mr.T.N.Rajagopalan
Spl. Government Pleader
for 1st respondent

Mr.K.Raja Srinivas
for 2nd respondent

ORDER

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

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the first respondent and Mr.K.Raja Srinivas, learned counsel takes notice for the second respondent.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing the second respondent from initiating any coercive action of locking and sealing and demolition or any other consequential action on the 25 numbers of ground floor shops (Metal Sheet Roof) at No.231/71, OMR Food Street (Rajiv Gandhi Salai), Okkiyam Thoraipakkam, Chennai - 600 097 pending disposal of the Appeal/Revision dated 13.03.2017 filed by the petitioner before the first respondent.

3. The petitioner is the owner of the property and he leased out the same to third parties. A lock and seal notice was issued to him. Assailing the same, the petitioner preferred appeal/revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on 13.3.2017 and the same is pending consideration with the first respondent. Apprehending that the respondent authorities will take coercive action against the petitioner pending disposal of the appeal/revision, the present writ petition is filed for the relief stated supra.

4. Considering the facts and circumstances of the case, we direct the first respondent to consider the appeal/revision filed by the petitioner on 13.3.2017 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 special revision, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.6986 of 2017 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

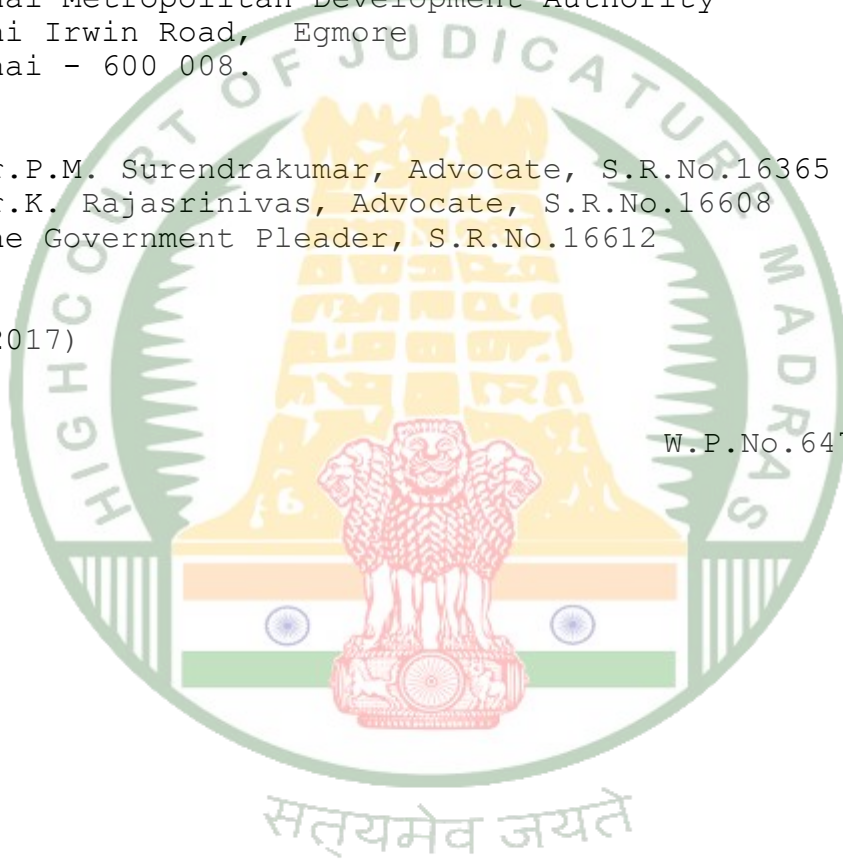
To:

- 1 The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Secretariat, Chennai - 600 009.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore
Chennai - 600 008.

+2cc to Mr.P.M. Surendrakumar, Advocate, S.R.No.16365
+1cc to Mr.K. Rajasrinivas, Advocate, S.R.No.16608
+1cc to the Government Pleader, S.R.No.16612

md(20/03/2017)

W.P.No.6475 of 2017



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