

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2017

CORAM

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

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5498 of 2017

B.Nagaraj Rao

.. Petitioner

Vs.

1. The Government of Tamilnadu
rep. by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai-9.
2. Chennai Metropolitan Development Authority
rep. by its Member Secretary
No.1, Gandhi Irwin Road, Egmore
Chennai - 600 008.
3. Corporation of Chennai
rep.by Executive Engineer
Zone IX, Chennai.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents 2 and 3 to forbear them from in anyway interfering with building at No.20(73), Pillayar Koil Street, Chepauk, Chennai - 600 005, particularly by way of Locking and Sealing and or demolition of the same pending final determination of petitioner's application under section 80(A) of the Tamilnadu Town and Country Planning Act, 1971 by the respondents.

For Petitioner : Mr.S.Thiruvengadam

For Respondents

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

Mr.K.Rajasrinivas
for 2nd respondent

Mr.A.Nagarajan
for 3rd 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. Mr.K.Rajasrinivas, learned counsel takes notice for the second respondent and Mr.A.Nagarajan, learned counsel 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 directing the respondents 2 and 3 to forbear them from in anyway interfering with building at No.20(73), Pillayar Koil Street, Chepauk, Chennai - 600 005, particularly by way of Locking and Sealing and or demolition of the same pending final determination of petitioner's application under section 80(A) of the Tamilnadu Town and Country Planning Act, 1971 by the respondents.

4. The petitioner claims to be in occupation of the building and he pleads that the same was constructed as per the approved plan. It is alleged that based on the complaint lodged by the petitioner's neighbour a notice was issued on 4.11.2016 calling for approved plan and immediately on receipt of the same, the petitioner submitted a detailed reply on 12.11.2016. Thereafter, the third respondent issued Lock and Seal and Demolition notice dated 4.1.2017. Aggrieved by the same, the petitioner preferred an appeal under Section 80(A) of the said Act on 17.1.2017 and the same is pending consideration. Apprehending that the respondent/authorities may lock and seal the premises pending disposal of the appeal, the present writ petition is filed for the relief stated supra.

5. Considering the facts and circumstances of the case, we direct the first respondent to consider the appeal filed by the petitioner on 17.1.2017 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 appeal, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5851 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To

1. The Secretary to Government
Government of Tamilnadu
Housing and Urban Development Department
Secretariat, Chennai-9.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore
Chennai - 600 008.
3. The Executive Engineer
Corporation of Chennai
Zone IX, Chennai.

+1cc to Mr.Rajshrinivas, Advocate, S.R.No.14351
+1cc to Mr.Nagarajan, Advocate, S.R.No.14619
+1cc to Mr.Thiruvengadam, Advocate, S.R.No.14365
+1cc to the Government Pleader, S.R.No.14712

NMI (CO)
RS(17/03/2017)

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