

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

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

W.P.No.6540 of 2017

1. Chanchil Kavar
2. Praveen Kumar
3. Lalith Kumar
4. Bhawari Bai
5. Kala Kumari Jain
6. Bharath C.Gandhi
7. Dixit H.Jain
8. Nainesh C.Jain
9. Amith Kumar
- 10.Ranesh Kumar
- 11.Hitendra Kumar B.Jain
- 12.Amruthavalli
- 13.Ramanlal P.Jain
- 14.Kala C. Jain
- 15.S.J.Ramesh
- 16.Rahul R.Jain
- 17.Ratana

... Petitioners

Vs.

1. The Government of Tamilnadu
rep. by its Secretary
Housing & Urban Development Department
Secretariat, Fort St. George
Chennai - 600 009.

2. The Principal Chief Engineer
The Greater Chennai Corporation
Rippon Building, Chennai.
3. The Executive Engineer (Enforcement)
RDC (North Office), Zone-V
The Greater Chennai Corporation
Chennai.

4. The Assistant Executive Engineer
Division 55, Unit 13, Zone V
No.28, Seven Wells Street
Chennai - 600 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing respondents 2 to 4 from in any way interfering with the building at New No.19, Old No.9, Nattu Pillaiyar Koil street, Sowcarpet, Chennai-600 079 particularly by way of De-Occupation Notice, pending final determination of the appeal dated 03.03.2017 pending with the 1st respondent under section 80A of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioners : Ms.S.Meenakumari

For Respondents : Mr.M.K.Subramanian
Government Pleader
for 1st respondent

Mr.R.Arunmozhi
for respondents 2 to 4

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 and Mr.R.Arunmozhi, learned counsel takes notice for respondents 2 to 4.

2. The petitioners have filed this writ petition seeking issuance of a writ of Mandamus forbearing respondents 2 to 4 from in any way interfering with the building at New No.19, Old No.9, Nattu Pillaiyar Koil street, Sowcarpet, Chennai-600 079 particularly by way of De-Occupation Notice, pending final determination of the appeal dated 03.03.2017 pending with the 1st respondent under section 80A of the Tamil Nadu Town and Country Planning Act, 1971.

3. The petitioners are owners of the property. A de-occupation notice was issued on 28.2.2017 directing the petitioners to discontinue occupation of the premises with three days. The petitioners filed appeal under Section 80A of the Act on 2.3.2017 and the same is pending consideration. Apprehending that the respondents may take coercive action pending disposal of the appeal, the present writ petition is filed.

4. Considering the facts and circumstances of the case, we direct the first respondent to consider the appeal filed by the petitioner on 2.3.2017 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. All the contentions raised in this writ petition are left open to be urged by the petitioners before the appellate authority.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.7037 of 2017 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Secretary
Government of Tamilnadu
Housing & Urban Development Department
Secretariat, Fort St. George
Chennai - 600 009.
2. The Principal Chief Engineer
The Greater Chennai Corporation
Rippon Building, Chennai.
3. The Executive Engineer (Enforcement)
RDC (North Office), Zone-V
The Greater Chennai Corporation
Chennai.
4. The Assistant Executive Engineer
Division 55, Unit 13, Zone V
No.28, Seven Wells Street
Chennai - 600 001.

+1cc to Mr.D.Balachandran, Advocate, S.R.No.16654
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.16811
+1cc to the Government Pleader, S.R.No.17043

W.P.No.6540 of 2017

RJ(CO)
CA(27/03/2017)