

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.3.2017

CORAM

THE HONOURABLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7612 of 2017

and

W.M.P.No.8309 of 2017

A.Chandrasekaran

Petitioner

Versus

- 1 The State of Tamil Nadu
Rep. by Secretary to Government
Housing and Urban Development Department
Fort St. George Secretariat Chennai-600 009.
- 2 The Commissioner
Corporation of Chennai Rippon Building
Park Town Chennai-600 003.
- 3 The Executive Engineer
Zone IX Greater Chennai Corporation
No.1 Lake Area 4th Street Nungambakkam
Chennai-600 034.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the Notice dated 22.3.2017 bearing Notice No.Z.O.C No.001/ 2017 of the 3rd respondent herein and quash the same and consequently forbear the respondents from taking any action on the Notice till the Appeal dated 2.3.2017 filed by the petitioner under Sec.80A1 of the Tamil Nadu Town and Country Planning Act, 1971 before the 1st respondent herein is disposed of in accordance with law.

For petitioner : Mr.AR.L.Sundaresan for
Mrs.AL.Ganthimathi
For R1 : Mr.K.Subramanian, Govt. Pleader
For R2 and R3 : Mr.A.Nagarajan

ORDER

(Order of the court was made by HULUVADI G.RAMESH, ACJ.)

Mr.M.K.Subramanian, learned Government Pleader takes notice for the first respondent. Mr.A.Nagarajan, learned counsel takes notice for respondents 2 and 3.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a Writ of certiorarified mandamus calling for the records relating to the Notice dated 22.3.2017 bearing Notice No.Z.O.C No.001/ 2017 of the 3rd respondent herein and quash the same and consequently forbear the respondents from taking any action on the Notice till the Appeal dated 2.3.2017 filed by the petitioner under Sec.80A1 of the Tamil Nadu Town and Country Planning Act, 1971 before the 1st respondent herein is disposed of in accordance with law.

4. The petitioner claims to be residing in the property in question. His title to the property in question is yet to be decided and pending in a civil proceedings. Now, the grievance of the petitioner is that alleging unauthorized/deviated construction, de-occupation notice was issued to the petitioner on 22.3.2017. Against the same, the petitioner has preferred a special revision before the first respondent under Section 80-A of the Act along with a petition for stay. However, it is alleged that no orders have been passed even in the stay petition till date. The petitioner is apprehending that the respondent-authorities would take coercive steps to demolish the building. Hence, the present writ petition is filed.

5. Considering the facts and circumstances of the case, we direct the first respondent to consider the special revision petition and the stay petition filed by the petitioner 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 petition, no coercive steps shall be taken by the respondent authorities.

6. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The State of Tamil Nadu
Secretary to Government
Housing and Urban Development Department
Fort St. George Secretariat Chennai-600 009.
- 2 The Commissioner
Corporation of Chennai Rippon Building
Park Town Chennai-600 003.
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No.1 Lake Area 4th Street Nungambakkam
Chennai-600 034.

+1cc to Mr.AC. Ganthimathi, Advocate, S.R.No.19333
+1cc to Mr.A. Nagarajan, Advocate, S.R.No.19215
+1cc to the Government Pleader, S.R.No.19510

rk(CO)
md(05/04/2017)

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