

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.6614 of 2017

Grace Assembly of God Church
Rep. by its Pastor Rev. P. Christopher Imbanathan
S/o.Mr.N.Paulus Anandam
Door No.3, 21st Street
Nehru Colony, Nanganallur
Chennai - 600 088. ... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by its Principal Secretary
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.
- 2.The Executive Engineer
Greater Chennai Corporation
Zonal Office XII, Division-164
Alandur, Chennai - 116. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing respondents 1 and 2 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at Door No.3, 21st Street, Nehru Colony, Nanganallur, Chennai - 88 under Town and Country Planning Act till the disposal of the petitioner's Appeal under section 80-A of the Tamil Nadu Country Planning Act dated 14.12.2016 pending on the file of the first respondent.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for 1st respondent

Mr.A.Nagarajan
for 2nd respondent

ORDER

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

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent and Mr.A.Nagarajan, learned counsel takes notice for the second respondent.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing respondents 1 and 2 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at Door No.3, 21st Street, Nehru Colony, Nanganallur, Chennai - 88 under Town and Country Planning Act till the disposal of the petitioner's Appeal under section 80-A of the Tamil Nadu Country Planning Act dated 14.12.2016 pending on the file of the first respondent.

3. The petitioner/Church is the owner of the building and it is their case that the construction of the building was completed as early as 1.4.1993. The respondent authorities issued lock and seal notice alleging deviation in the construction. Thereafter, de-occupation notice was also issued. The petitioner filed appeal under Section 80A of the said Act on 14.12.2016 and the same is pending consideration. Apprehending that the respondent authorities would 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 14.12.2016 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. All the contentions raised in this writ petition are left open to be urged by the petitioner before the appellate authority.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.7098 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

1.The Principal Secretary
State of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.

2.The Executive Engineer
Greater Chennai Corporation
Zonal Office XII, Division-164
Alandur, Chennai - 116.

+1cc to Mr. A. Nagarajan, Advocate Sr. 16809
+1cc to Mr.L. Chandrakumar, Advocate Sr. 17076
+1cc to the Government Pleader Sr. 17040

W.P.No.6614 of 2017

RJ(CO)
VR(04/04/2017)

सत्यमेव जयते

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