

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.03.2017
CORAM
THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5628 of 2017
and W.M.P.No.5998 of 2017

Nemichand

.. Petitioner

Vs.

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai-3
 - 2 The Executive Engineer (Enforcement)
Zone V
Corporation of Chennai
No.62 Basin Bridge Road
Chennai-21
 - 3 Government of Tamil Nadu
Rep by Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai-9.
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the 1st and 2nd Respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old no.8 New No.16/2, Arunachalam Street, Kondithope, Chennai -79 pending determination of the Revision / Appeal petition submitted by the petitioner under section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 10.02.2017.

For Petitioner

Mr.R.Mohan

For Respondents

Mr.R.Arunmozhi
for respondent Nos.1 & 2

Mr.R.Vijayakumar
Addl. Government Pleader
for respondent No.3

ORDER

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

Mr.R.Arunmozhi, learned counsel takes notice for respondent Nos.1 & 2. Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for respondent No.3.

2. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus forbearing respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old No.8, New No.16/2, Arunachalam Street, Kondithope, Chennai -79 pending determination of the Revision/Appeal petition submitted by the petitioner under section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 10.02.2017.

3. The petitioner is the owner of the property. He claims to have demolished the old building and reconstructed the same based on planning permission obtained. However, alleging violation in the building plan, the Corporation authorities issued lock and seal and demolition notice on 30.1.2017. Assailing the same, the petitioner preferred an appeal under Section 80A of the TN Town and Country Planning Act along with a stay application on 10.2.2017 and the same is pending consideration. Apprehending that respondents would initiate coercive action, the present writ petition is filed.

4. Considering the facts and circumstances of the case, we direct the third respondent to consider the appeal and the stay petition filed by the petitioner on 10.2.2017 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, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sasi

To:

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai-3
- 2 The Executive Engineer (Enforcement)
Zone V
Corporation of Chennai
No.62 Basin Bridge Road
Chennai-21
- 3 The Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai-9.

+1 cc to M/s.R.Arunmozhi Advocate sr 14617
+1 cc to M/s.R.Mohan Advocate sr 14487
+1 cc to M/s.Government Pleader sr 14699

W.P.No.5628 of 2017

cnr(co)
aa13/03/2017



WEB COPY