

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

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

W.P.No.6684 of 2017
and
W.M.P.No.7211 of 2017

M/s.Pradeep Stainless India Private Limited,
rep. by its Authorised Signatory
Mr.B.Ramesh Chand,
C-3 and B-7, Phase II,
MEPZ, Special Economic Zone,
Tambaram,
Chennai - 45.Petitioner

Vs.

- 1 The Commissioner,
Tambaram Municipality,
Tambaram,
Chennai - 45.
2. The Government of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 9. ... Respondents

सत्यमेव जयते

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the first respondent or anybody on their behalf from initiating any coercive action of locking, sealing and demolition of the building put up at Plot No.4, Burman Colony, Kadapperi village comprised in T.S.No.56, Tambaram, Chennai - 45 pending determination of petitioner's revision petition under Section 80-A of the Town and Country Planning Act dated 11.03.2017 with the second respondent.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.P.Srinivas
for 1st respondent

Mr.R.Vijayakumar
Addl. Government Pleader
for 2nd respondent

ORDER

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

Mr.P.Srinivas, learned counsel takes notice for the first respondent. Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the second respondent.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus forbearing the first respondent or anybody on their behalf from initiating any coercive action of locking, sealing and demolition of the building up up at Plot No.4, Burman Colony, Kadapperi village comprised in T.S.No.56, Tambaram, Chennai - 45 pending determination of petitioner's revision petition under Section 80-A of the Town and Country Planning Act dated 11.03.2017 with the second respondent.

4. The petitioner company claims to be the owner of the property. After obtaining building plan approval, the petitioner company constructed the building. It is stated that due to certain deviations, the first respondent issued a lock and seal notice on 07.03.2017. Against the same, the petitioner has preferred a special revision before the second respondent under Section 80-A of the Act along with a petition for stay. However, it is alleged that no orders have been passed by the second respondent even in the stay petition till date. The petitioner is apprehending that the first respondent would take coercive steps to demolish the building. Hence, the present writ petition is filed.

5. Considering the facts and circumstances of the case and without going into the merits of the case, we direct the second 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, W.M.P.No.7211 of 2017 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Commissioner,
Tambaram Municipality,
Tambaram,
Chennai - 45.
2. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 9.

+1cc to M/S.R.Mohan, Advocate Sr.17085
+1cc to the Government Pleader Sr.17370

W.P.No.6684 of 2017

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srg 7/4/2017