

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

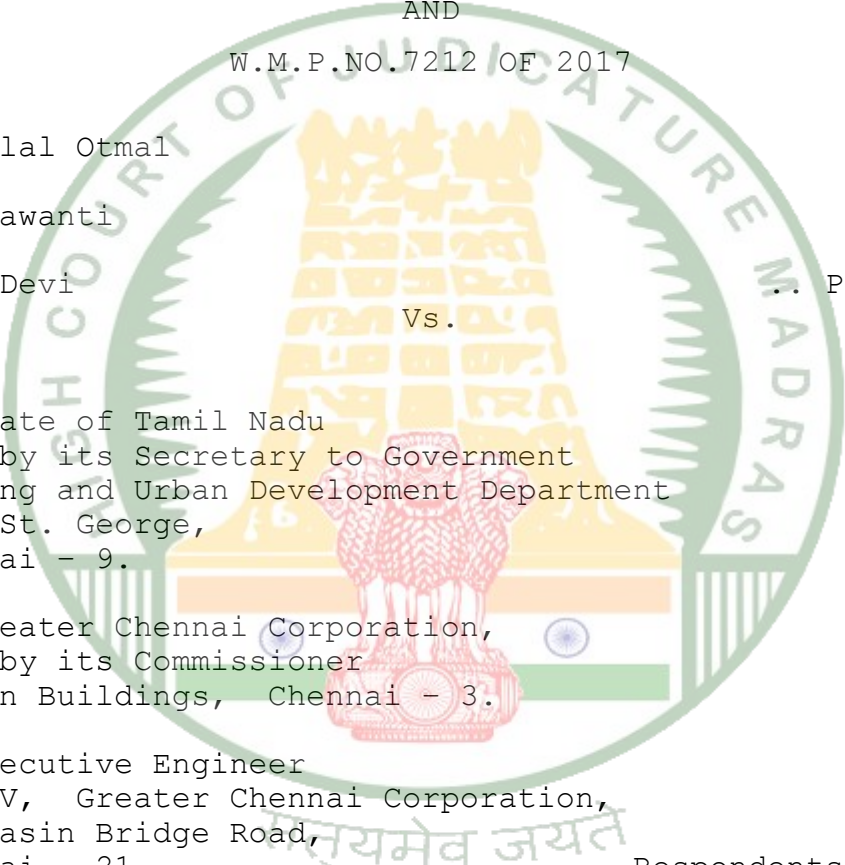
AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.NO.6685 OF 2017

AND

W.M.P.NO.7212 OF 2017

- 
- 1 Kantilal Otmal
2 Bhagyawanti
3 Rita Devi ... Petitioners
- Vs.
- 1 The State of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George,
Chennai - 9.
- 2 The Greater Chennai Corporation,
Rep. by its Commissioner
Rippon Buildings, Chennai - 3.
- 3 The Executive Engineer
Zone V, Greater Chennai Corporation,
62, Basin Bridge Road,
Chennai - 21. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the 2nd and 3rd respondents in any manner initiating any coercive action of locking and sealing and demolition of the petitioners premises Old No. 14, New No. 35, Srinivasa Iyer Street Pedunaickenpet, Chennai-1 till the final determination of the petitioners special revision petition filed under section 80-A of the Town planning Act along with stay petition filed under action 80-A(3) of the Act dated 27.02.2017 pending with the 1st respondent.

For Petitioner : G.Arul Murugan

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for 1st respondent

Mr.R.Arunmozhi
for respondents 2 & 3

ORDER

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

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the first respondent. Mr.R.Arunmozhi, 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 Mandamus forbearing respondents 2 and 3 in any manner initiating any coercive action of locking and sealing and demolition of the petitioners premises Old No. 14, New No. 35, Srinivasa Iyer Street, Pedunaickenpet, Chennai-1 till the final determination of the petitioners special revision petition filed under section 80-A of the Town planning Act along with stay petition filed under action 80-A(3) of the Act dated 27.02.2017 pending with the first respondent.

4. The petitioner claims to be the owners of the property. After obtaining building and planning approval, the petitioners have constructed building. It is stated that due to certain deviations, the third respondent issued a lock and seal notice on 23.01.2017 Against the same, the petitioners have 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 by the first respondent even in the stay petition till date. The petitioners are apprehending that the third 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, we direct the first respondent to consider the special revision petition and the stay petition filed by the petitioners 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 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.7212 of 2017 is closed.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Secretary to Government
The State of Tamil Nadu
Housing and Urban Development Department
Fort St. George,
Chennai - 9.
- 2 Commissioner
The Greater Chennai Corporation,
Rippon Buildings, Chennai - 3.
- 3 The Executive Engineer
Zone V, Greater Chennai Corporation,
62, Basin Bridge Road,
Chennai - 21.

+1cc to Mr.R.Arunmozhi, Advocate SR.No.17111
+1cc to Mr.G.ArulMurugan, Advocate SR.No.17084
+1cc to the Government Pleader SR.173265

W.P.No.6685 of 2017

GN(27/03/2017)

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