

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

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

AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.6688 of 2017
and
W.M.P.No.7216 of 2017

- 1 J.Sundaram
2 D.S.Padmavathy .. Petitioners
Vs.
- 1 Government of Tamilnadu
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.
- 2 Chennai Metropolitan Development Authority
Rep. by its Member Secretary
No.1 Gandhi Irwin Road,
Egmore , Chennai-8.
- 3 Corporation of Chennai,
Rep. by its Commissioner,
Rippon Building, सत्यमेव जयते
Chennai-2. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the building at 8/4, Kenndy 2nd street, Mylapore , Chennai-4 particularly by way of Locking and Sealing and or demolition of the same pending final determination of the appeal dated 02.03.2017 by the 1st respondent under section 80(A) of the Town and Country Planning act 1971.

For Petitioner : D.s.Rajasekaran
For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for 1st respondent

Mr.K.Rajasrinivas
for 2nd respondent

Mr.R.Arunmozhi
for 3rd 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. Mr.K.Rajasrinivas, learned counsel takes notice for the second respondent. Mr.R.Arunmozhi, learned counsel takes notice for the third respondent.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing respondents 2 and 3 to forbear them from in anyway interfering with the building at 8/4, Kenndy second street, Mylapore , Chennai-4 particularly by way of Locking and Sealing and or demolition of the same pending final determination of the appeal dated 02.03.2017 by the first respondent under Section 80(A) of the Town and Country Planning act 1971.

4. The petitioner claims to be the joint owners of the property. The petitioners are husband and wife. After obtaining building and planning approval, the petitioners have constructed building. It is stated that due to certain deviations, the second respondent issued stop work notice/notice calling for approved plan on 28.02.2017 Against the same, the first 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 by the first respondent even in the stay petition till date. The petitioners are apprehending that the second 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 expressing anything on the merits of the case, we direct

the first respondent to consider the special revision petition and the stay petition filed by the first petitioner 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.7216 of 2017 is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

- 1 The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.
- 2 The Member Secretary,
Chennai Metropolitan Development Authority
No.1 Gandhi Irwyan Road, Egmore , Chennai-8.
- 3 The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai-2.

+1cc to Government Pleader SR.No.17364
+1cc to Mr.K.RajaSrinivas, St Counsel for CMDA SR.17204
+1cc to Mr.R.Arunmozhi, Advocate SR.No.17112
+1cc to Mr.D.S.Rajasekaran, Advocate SR.No.17086

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CA(CO)
GN(04/04/2017)