

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 03.04.2017  
CORAM  
THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE  
AND  
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.7698 of 2017

A.K.S.Hidayathullah

.. Petitioner

Vs.

- 1 The Government of Tamilnadu  
Rep. by its Secretary  
Housing & Urban Development Department  
Secretariat, Fort St.George  
Chennai- 600 009.
  - 2 The Member Secretary  
Chennai Metropolitan Development Authority  
Thalaimuthu Natarajan Building  
No.1, Gandhi Irwin Road  
Egmore, Chennai - 600 008.
  - 3 The Commissioner  
Greater Chennai Corporation  
Ripon Building  
Chennai - 600 003.
  - 4 The Deputy Planner  
Enforcement Cell (North)  
Chennai Metropolitan Development Authority  
Chennai - 600 008.
- .. Respondents

PRAYER: Petitions filed under Article 226 of the Constitution of India for issuance of writ of Mandamus forbearing respondents 2 to 4 from in any way interfering with the building at New No.6, Old No.27, Mooker Nallamuthu Street, Mannady, Chennai- 600 001, particularly by way of Locking & Sealing and Demolition notice and pending final determination of the appeal dated 05.01.2017 pending with the 1<sup>st</sup> respondent under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner

: Mr.D.Balachandran

For Respondents

: Mr.T.N.Rajagopalan  
Spl. Government Pleader  
for 1<sup>st</sup> respondent

Mr.C.Johnson  
for respondents 2 and 4

Mr.A.Nagarajan  
for 3<sup>rd</sup> respondent

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.C.Johnson, learned counsel takes notice for respondents 2 and 4 and Mr.A.Nagarajan, learned counsel takes notice for the third respondent.

2. The petitioner has filed this writ petition seeking issuance of writ of Mandamus forbearing respondents 2 to 4 from in any way interfering with the building at New No.6, Old No.27, Mooker Nallamuthu Street, Mannady, Chennai-600 001, particularly by way of Locking & Sealing and demolition, pending final determination of the appeal dated 05.01.2017 with the 1<sup>st</sup> respondent under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971.

3. The petitioner claims to be the owner of the property. A Lock and Seal and Demolition Notice was issued to him alleging violation of building plan. Assailing the same, the petitioner filed an appeal under Section 79 of the said Act to grant planning permission for regularization of existing building. However, the same was not considered till date. Apprehending that the respondent authorities would take coercive action pending disposal of the appeal seeking regularization, the petitioner has filed this writ petition.

4. If the petitioner is aggrieved by the locking and sealing and demolition notice, the appropriate remedy for him is to file a revision under Section 80A of the said Act. We, therefore, grant the petitioner fifteen days time to file a revision under Section 80A of the said Act and on such revision being filed, the first respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner within three months therefrom. Till the disposal of the revision 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.8411 of 2017 is closed.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

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To:

- 1 The Secretary  
Government of Tamilnadu  
Housing & Urban Development Department  
Secretariat, Fort St.George  
Chennai- 600 009.
- 2 The Member Secretary  
Chennai Metropolitan Development Authority  
Thalaimuthu Natarajan Building  
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Enforcement Cell (North)  
Chennai Metropolitan Development Authority  
Chennai - 600 008.

C.C. to MR.D.Balachandran Advocate SR.NO.19668/17

C.C. to MR.C.JOHNSON Advocate SR.NO.19689/17

C.C. to MR.A.NAGARAJAN Advocate SR.NO.19531/17

C.C. to The Government Pleader, High Court, Madras  
SR.NO.19812/17

W.P.No.7698 of 2017

BR (CO)  
VS 12.04.2017