

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2017

CORAM

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

W.P.No.5736 of 2017  
and  
W.M.P.No.6139 of 2017

T.Soundararajan .. Petitioner

Vs.

1. The Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George,  
Chennai - 600 009.
2. The Greater Chennai Corporation,  
rep. by its Commissioner,  
Rippon Buildings,  
Chennai - 600 003.
3. The Executive Engineer,  
Zone - X,  
Greater Chennai Corporation,  
No.117, N.S.K. Salai,  
Kodambakkam,  
Chennai - 600 024.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the 2<sup>nd</sup> and 3<sup>rd</sup> 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 No.5/2, 6<sup>th</sup> Street, JaiNagar, Arumbakkam, Chennai - 600 106 pending determination of the special revision petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, dated 26.10.2016.

For Petitioner : Mr.K.G.Senthilkumar

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

Mr.A.Nagarajan  
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.A.Nagarajan, 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 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.5/2, 6<sup>th</sup> Street, Jai Nagar, Arumbakkam, Chennai - 600 106 pending determination under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 dated 26.10.2016.

4. The petitioner claims to be the owner of the building, having constructed the same after obtaining planning permission from the authorities concerned. It is stated that due to certain deviations, the third respondent issued a lock and seal notice on 17.10.2016. Against the same, the petitioner has preferred a special revision under Section 80A of the Act along with a petition for stay on 26.10.2016. However, it is alleged that no orders have been passed by the first respondent even in the stay petition till date. 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 petitioner on 26.10.2016 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, 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.6139 of 2017 is closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

1. The Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George,  
Chennai - 600 009.
  2. The Commissioner  
The Greater Chennai Corporation,  
Rippon Buildings,  
Chennai - 600 003.
  3. The Executive Engineer,  
Zone - X,  
Greater Chennai Corporation,  
No.117, N.S.K. Salai,  
Kodambakkam,  
Chennai - 600 024.
- +1 CC to M/s. K. G. Senthil Kumar, Advocate sr 14750  
+1 CC to The Govt. Pleader sr 15030  
+1 CC to M/s. A. Nagarajan, Standing Counsel, sr 14790

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MP (CO)  
sp/21/3