

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.5737 of 2017
and
W.M.P.No.6140 of 2017

Sri Venkateswara Homes,
rep. by its Managing Director
Mr.Narendar G.Jain,
Flat No.1, Crystal Lawn,
No.20, Haddows Road 1st Street,
Nungambakkam,
Chennai - 34.

.. Petitioner

Vs.

1.Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

2.Government of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 9.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the first respondent or any body on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.18, Lakshmi Hyagrivar Nagar 4th Cross Street, Adambakkam, Chennai - 88 pending determination of the Revision / Appeal petition submitted by the petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 27.2.2017 with the second respondent.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.K.Rajasrinivas
for 1st respondent

Mr.T.N.Rajagopalan
Spl. Government Pleader
for 2nd respondent

ORDER

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

Mr.K.Rajasrinivas, learned counsel takes notice for the first respondent. Mr.T.N.Rajagopalan, learned Special 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 any body on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.18, Lakshmi Hyagrivar Nagar 4th Cross Street, Adambakkam, Chennai - 88 pending determination of the Revision / Appeal petition submitted by the petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 27.2.2017 with the second respondent.

4. The petitioner claims to be the developer of the property at No.18, Lakshmi Hyagrivar Nagar 4th street, Adambakkam, Chennai-88, having constructed the same after obtaining planning permission from the authorities concerned. It is stated that due to certain deviations, the first respondent issued a lock and seal notice on 27.01.2017. Against the same, the petitioner has preferred a special revision under Section 80-A of the Act along with a petition for stay on 17.02.2017 before the second respondent. However, it is alleged that no orders have been passed by the second 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 second respondent to consider the special revision petition and the stay petition filed by the petitioner on 17.02.2017 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.6140 of 2017 is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To:

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

2.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 9.

+1cc to M/S. R. Mohan, Advocate Sr. 14751

+1cc to Mr. K. Raja Shrinivas, Advocate Sr. 14797

+1cc to Government Pleader, High Court, Madras-104, Sr. 15012

W.P.No.5737 of 2017

RSK(CO)
VR(20/03/2017)

सत्यमेव जयते

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