

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

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

AND

THE HON'BLE MR.JUSTICE RMT. TEEKAA RAMAN

W.P.No.7826 of 2017

&

W.M.P.No.8559 of 2017

K.Ganapathy Murugan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary
Housing and Urban Development Department
Fort St George,
Chennai-09.

2. The Executive Engineer/Zone VIII
Greater Chennai Corporation
Zonal Office-VIII, 2nd Cross street (East)
Pulla Avenue, Shenoy Nagar
Chennai-30.

3. The Executive Officer
Kariyamanicka Perumal Koil Devasthanam
Ayanavaram, Madras.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the respondents from in any manner initiating coercive action of locking, sealing and demolition of the petitioner's premises at Door No.34/24, Bhattachary Street, Ayanavaram, Chennai-600023 under Town and Country Planning Act till the disposal of petitioner's revision under Section 80A of the Tamil Nadu Country Planning Act dated 20.03.2017 pending on the file of the 1st respondent.

For Petitioner : Mr.A.Suresh

For Respondents : Mr.M.K.Subramanian
Government Pleader
for 1st respondent

Mr.R.Arunmozhi
for 2nd respondent

Mr.M.Maharaja
Special Government Pleader
for 3rd respondent

ORDER

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

Mr.M.K.Subramanian, learned Government Pleader takes notice for the first respondent; Mr.R.Arunmozhi, learned counsel takes notice for the second respondent and Mr.M.Maharaja, learned Special Government Pleader takes notice for the third respondent.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing the respondents from in any manner initiating coercive action of locking, sealing and demolition of the petitioner's premises at Door No.34/24, Bhattachary Street, Ayanavaram, Chennai-600023 under Town and Country Planning Act till the disposal of petitioner's revision under Section 80A of the Tamil Nadu Country Planning Act dated 20.03.2017 pending on the file of the first respondent.

3. The petitioner claims to be in possession of the property which belongs to the third respondent temple. Alleging deviation in construction, the second respondent issued lock, seal and demolition notice on 2.3.2017. The petitioner preferred a revision under Section 80A of the Tamil Nadu Town and Country Planning Act on 20.3.2017 and the same is pending. Apprehending that the respondent authorities will take coercive action pending disposal of the revision, the present writ petition is filed.

4. Considering the facts and circumstances of the case, we direct the first respondent to consider the revision filed by the petitioner on 20.3.2017 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 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.8559 of 2017 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Secretary to Government
Housing and Urban Development Department
State of Tamil Nadu
Fort St George, Chennai-09.
2. The Executive Engineer/Zone VIII
Greater Chennai Corporation
Zonal Office-VIII, 2nd Cross street (East)
Pulla Avenue, Shenoy Nagar
Chennai-30.
3. The Executive Officer
Kariyamanicka Perumal Koil Devasthanam
Ayanavaram, Madras.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.19944
+1cc to Mr.A.Suresh, Advocate, S.R.No.20047
+1cc to the Government Pleader, S.R.No.20180

W.P.No.7826 of 2017

SKS (CO)
CA(12/04/2017)

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