

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

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

W.P.No.5831 of 2017

1 Rahamathagnnisa S.N.
2 Kolla Padmavathy
3 Mubeena Zehar Banu.A.
4 Sathya D.S.Sudha
5 Rifiya Fariheen
6 T.V. Narmadha
7 K.Zaid Mohamed
8 Abdul Jaleela
9 K.Asraf Ali
10 N.Lakshmi Narayanan
11 Mohammed Arif @ Mohamed Javid .. Petitioners

Vs.

1 The State of Tamilnadu
rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-9.
2 The Greater Chennai Corporation
rep. by its Commissioner
Ripon Buildings, Chennai-3.
3 The Executive Engineer
Zone VI Greater Chennai Corporation
No.5, Anderson Road
Ayanavaram, Chennai-23. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing respondents 2 and 3 from in any manner initiating any coercive action of locking and sealing and demolition of the petitioners' premises at Old No. 6/1, New No.132, Sachidanandam Street, Kosapet, Chennai - 12 till the final determination of the petitioners' special revision petition filed under section 80(A) of the Town and Country Planning Act along with stay petition filed under section 80(A)(3) of the Act dated 08.11.2016 pending with the 1st respondent.

For Petitioners : Mr.P.Ramanathan

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for 1st respondent

Mr.R.Arunmozhi
for respondents 2 and 3

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 and Mr.R.Arunmozhi, learned counsel takes notice for respondents 2 and 3.

2. The petitioners have filed this writ petition seeking issuance of a writ of a writ of mandamus forbearing respondents 2 and 3 from in any manner initiating any coercive action of locking and sealing and demolition of the petitioners' premises at Old No. 6/1, New No.132, Sachidanandam Street, Kosapet, Chennai - 12 till the final determination of the petitioners' special revision petition filed under section 80(A) of the Town and Country Planning Act along with stay petition filed under section 80(A) (3) of the Act dated 08.11.2016 pending with the 1st respondent.

3. The petitioners are co-owners of the property. It is claimed that the vendor of the petitioners obtained building permit and made some alterations to suit the needs and convenience of the occupants. A lock and seal notice was issued by the Corporation on 31.10.2016. Challenging the same, the petitioners preferred a special revision under Section 80A of the TN Town and Country Planning Act, 1971 along with an application for stay on 8.11.2016 and the same is pending consideration. Apprehending that the respondents would take coercive action pending disposal of the appeal, the present writ petition is filed.

4. Considering the facts and circumstances of the case, we direct the first respondent to consider the special revision and the stay petition filed by the petitioners on 8.11.2016 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, no coercive steps shall be taken by the respondent authorities.

The petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.6245 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

- 1 The Secretary to Government
State of Tamilnadu
Housing and Urban Development Department
Fort St. George, Chennai-9.
- 2 The Commissioner
Greater Chennai Corporation
Ripon Buildings, Chennai-3.
- 3 The Executive Engineer
Zone VI Greater Chennai Corporation
No.5, Anderson Road
Ayanavaram, Chennai-23.

+1cc to M/s.R.Arunmozhi,Advocate sr.15054

+1cc to M/s.P.Ramanathan,Advocate sr.14989

+1cc to The Government Pleader sr.15421

W.P.No.5831 of 2017

ala(co)
ss(20/3/2017)

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