

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.5836 of 2017

N.Sundaram Founder
Sri Gangai Amman Koil Charitable Trust
Door No. 100 (S.No.169, 170 and 171-1)
Gangai Amman Koil Street (OMR)
Rajiv Gandhi Road
Karapakkam, Chennai - 97. ... Petitioner

Vs.

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai - 3.
- 2 The Executive Engineer
Zone XV, Corporation of Chennai
Shozhanganallur, Chennai - 119.
- 3 Government of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 9. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at S.Nos.169, 170 and 171-1, Gangai Amman Koil Street (OMR), Karapakkam, Chennai - 97, pending determination of the Revision/Appeal petition submitted by the petitioner under Section 80A and 80A(3) of the Tamil Nadu Town and Country Planning Act dated 03.03.2017 with the 3rd respondent.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.M.K.Subramanian
Government Pleader
for 3rd respondent

Mr.A.Nagarajan
for respondents 1 and 2

ORDER

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

Mr.M.K.Subramanian, learned Government Pleader takes notice for the third respondent and Mr.A.Nagarajan, learned counsel takes notice for respondents 1 and 2.

2. The petitioner has filed this writ petition seeking issuance of a writ of mandamus forbearing respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at S.Nos.169, 170 and 171-1, Gangai Amman Koil Street (OMR), Karapakkam, Chennai - 97, pending determination of the Revision/Appeal petition submitted by the petitioner under Section 80A and 80A(3) of the Tamil Nadu Town and Country Planning Act dated 03.03.2017 with the 3rd respondent.

3. The petitioner/Trust is the owner of the property. It claims that the building is in existence for more than a decade and renovation of the temple shops was carried out due to recent floods in the city. It is alleged that at the instance of third parties lock and seal notice was issued alleging violations in the construction. Against the same, the petitioner preferred a special revision on 3.3.2017 under Section 80A of the said Act along with an application for stay and the same is pending consideration. Apprehending that the respondent authorities will 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 third respondent to consider the special revision and the stay petition filed by the petitioner on 3.3.2017 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 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.6249 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai - 3.
- 2 The Executive Engineer
Zone XV, Corporation of Chennai
Shozhanganallur, Chennai - 119.
- 3 The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai - 9.

+1cc to Mr.A. Nagarajan, Advocate, S.R.No.15055
+1cc to Mr.R. Mohan, Advocate, S.R.No.1990
+1cc to the Government Pleader, S.R.No.15422

nri(CO)
md(23/03/2017)

सत्यमेव जयते

W.P.No.5836 of 2017

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