

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6861 of 2017

M.N.Venkatachalam

... Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Secretary
Housing and Urban Development Department
Fort. St. George, Chennai-9.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai-8.
3. The Executive Engineer
Zone - IX, Corporation of Chennai
No.1, Lake area, 4th Cross Street
Nungambakkam, Chennai -34.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing respondents 1 and 2 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at Door No.28, Abiramapuram 1st Street, Abiramapuram, Chennai -18 under Town and Country Planning Act till the disposal of the petitioner's Appeal under section 80-A of the Tamil Nadu Town and Country Planning Act dated 21.02.2017 pending on the file of the first respondent.

For Petitioner
For Respondents

: Mr.L.Chandrakumar
: Mr.T.N.Rajagopalan
Special Government Pleader
for 1st respondent
Mr.K.Raja Srinivas
for 2nd respondent
Mr.A.Nagarajan
for 3rd respondent

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.K.Raja Srinivas, learned counsel takes notice for the second respondent and Mr.A.Nagarajan, learned counsel takes notice for the third respondent.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing respondents 1 and 2 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at Door No.28, Abiramapuram 1st Street, Abiramapuram, Chennai -18 under the Tamil Nadu Town and Country Planning Act till the disposal of the petitioner's Appeal under section 80-A of the said Act dated 21.02.2017 pending on the file of the first respondent.

3. The petitioner and wife are owners of the property. A lock and seal and demolition notice was issued on 7.12.2016 alleging deviations in construction. Thereafter, a de-occupation notice was issued on 15.2.2017. The petitioner filed appeal under Section 80A of the Act on 21.2.2017 and the same is pending consideration with the first respondent. Apprehending that the respondents may 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 appeal filed by the petitioner on 21.2.2017 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 appeal 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.7438 of 2017 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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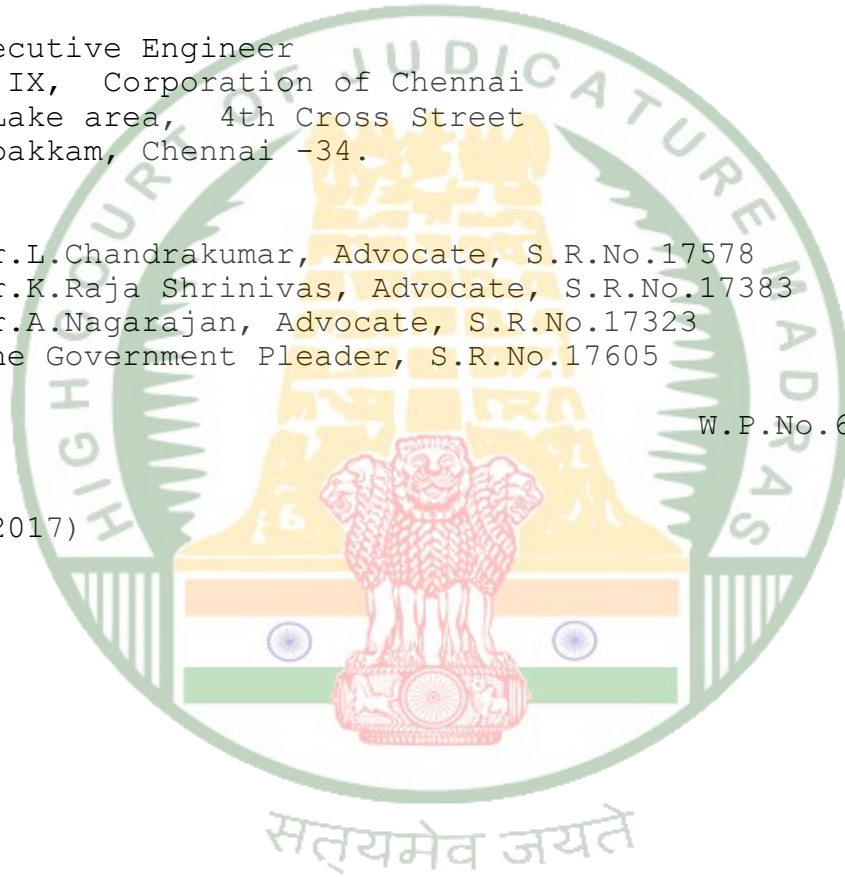
To:

1. The Secretary
State of Tamil Nadu
Housing and Urban Development Department
Fort. St. George, Chennai-9.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai-8.
3. The Executive Engineer
Zone - IX, Corporation of Chennai
No.1, Lake area, 4th Cross Street
Nungambakkam, Chennai -34.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.17578
+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.17383
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.17323
+1cc to the Government Pleader, S.R.No.17605

W.P.No.6861 of 2017

KGK (CO)
CA (04/04/2017)



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