

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.6864 of 2017

L.Kaalidhoss

... Petitioner

Vs.

1 The State of Tamil Nadu
rep. by its Secretary
Housing and Urban Development Department
Fort St. George, Chennai - 9.

2 The Executive Engineer
Greater Chennai Corporation, Zone-IV
Thiruvottiyur High Road
Chennai - 600 021. ... 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 No.1/1, Meenambal Salai, K.K.D Nagar, Kodungaiyur, Chennai - 600 118 under Town and Country Planning Act till the disposal of the petitioner's Appeal under Section 80-A of the Tamil Nadu Country Planning Act dated 24.08.2016 pending on the file of the first respondent.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for 1st respondent

Mr.A.Nagarajan
for 2nd 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 and Mr.A.Nagarajan, learned counsel takes notice for the second 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 No.1/1, Meenambal Salai, K.K.D Nagar, Kodungaiyur, Chennai - 600 118 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 24.08.2016 pending on the file of the first respondent.

3. The petitioner is the owner of the property. A lock and seal and demolition notice was issued on 19.7.2016 alleging deviations/unauthorized construction. The petitioner filed appeal under Section 80A of the Act on 24.8.2016 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 24.8.2016 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.7443 of 2017 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Secretary
Government of Tamilnadu
Housing & Urban Development Department
Secretariat, Fort St. George
Chennai - 600 009.
- 2 The Executive Engineer
Greater Chennai Corporation, Zone-IV
Thiruvottiyur High Road
Chennai - 600 021.

+1cc to Mr.L.Chandrakumar, Advocate Sr.17577
+2cc to Mr.A.Nagarajan, Advocate Sr.17320
+1cc to the Government Pleader Sr.17604

W.P.No.6864 of 2017

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srg 4/4/2017



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