

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.7905 of 2017

Ramesh Kumar Megrajji and Sons HUF
rep. by its Karta Ramesh Kumar M.Jain
New No.6, Old No.96, Rasappa Chetty Street
Edapalayam, Chennai - 600 003. ... Petitioner

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
Rippon Buildings, Chennai - 600 003.
- 3 The Executive Engineer
Zone V, Greater Chennai Corporation
62, Basin Bridge Road, Chennai-21. .. 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 petitioner's premises at New No.6, Old No.96, Rasappa Chetty Street, Edapalayam, Chennai 600 003 till the final determination of the petitioner's special revision petition filed under section 80A of the Town Planning Act along with stay petition filed under section 80-A(3) of the Act dated 16.3.2017 pending with the first respondent.

For Petitioner : Mr.P.Ramanathan

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

Mr.A.Nagarajan
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.A.Nagarajan, learned counsel takes notice for respondents 2 and 3.

2. The petitioner has filed this writ petition seeking 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 petitioner's premises at New No.6, Old No.96, Rasappa Chetty Street, Edapalayam, Chennai - 600 003, till the final determination of the petitioner's special revision petition filed under section 80A of the Town Planning Act along with stay petition filed under section 80-A(3) of the Act dated 16.3.2017 pending with the first respondent.

3. The petitioner claims to be the owner of the property. Alleging deviation in construction, the third respondent issued lock, seal and demolition notice on 3.3.2017. Challenging the same, the petitioner preferred a revision under Section 80A of the Tamil Nadu Town and Country Planning Act on 16.3.2017 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 16.3.2017 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.8643 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant 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
Rippon Buildings, Chennai - 600 003.
- 3 The Executive Engineer
Zone V, Greater Chennai Corporation
62, Basin Bridge Road, Chennai-21.

+1cc to Mr.Ramanathan, Advocate, S.R.No.19834
+1cc to Mr.Nagarajan, Advocate, S.R.No.19946

W.P.No.7905 of 2017

KS (CO)
RS(10/04/2017)

सत्यमेव जयते

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