

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

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

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6999 of 2017

1 M.Santhosh Kumar
2 Pravin C.Jain ... Petitioners

Vs.

1.The Corporation of Chennai
Rep. by its Commissioner
Ripon Building
Chennai-600 003.

2.The Executive Engineer
Zone 5, O/o. Regional Deputy Commissioner (North)
Corporation of Chennai
No.62, Basin Bridge Road
Chennai-600 021.

3.The Government of Tamilnadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-600009. .. 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 No.59/77, Elephant Gate Street, Sowcarpet, Chennai - 600 079 pending determination of the revision petition submitted by the petitioners under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 11.03.2017 with the 3rd respondent.

For Petitioners

: Mr.R.Mohan

For Respondents

: Mr.A.Nagarajan
for respondents 1 and 2

Ms.Vasudha Thiagarajan
Addl. Government Pleader
for 3rd respondent

ORDER

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

Mr.A.Nagarajan, learned counsel takes notice for respondents 1 and 2 and Ms.Vasudha Thiagarajan, learned Additional Government Pleader takes notice for the third respondent.

2. The petitioners have 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 No.59/77, Elephant Gate Street, Sowcarpet, Chennai - 600 079 pending determination of the revision petition submitted by the petitioners under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 11.03.2017 with the 3rd respondent.

3. The petitioners are joint-owners of the property. A lock and seal and demolition notice was issued on 20.1.2017 alleging deviations/unauthorized construction. The petitioners filed revision under Section 80A of the Act on 11.3.2017 along with an application for stay and the same is pending consideration with the third respondent. Apprehending that the respondents may 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 third respondent to consider the revision filed by the petitioners on 11.3.2017 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 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 petitioners before the appellate authority.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.7617 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

- 1.The Commissioner
Corporation of Chennai
Ripon Building
Chennai-600 003.
- 2.The Executive Engineer
Zone 5, O/o. Regional Deputy Commissioner (North)
Corporation of Chennai
No.62, Basin Bridge Road
Chennai-600 021.
- 3.The Secretary to Government
Government of Tamilnadu
Housing and Urban Development Department
Fort St. George, Chennai-600009.

+1cc to M/S. A. Nagarajan, Advocate Sr. 17781

+1cc to M/S. R. Mohan, Advocate Sr. 17796

+1cc to the Government Pleader,
High Court, Madras-104 Sr. 17933

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RSK(CO)
VR(06/04/2017)