

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.11106 of 2017
and W.M.P.No.12038 of 2017

N.A.Ramanathan

.. Petitioner

Vs.

1. Government of Tamil Nadu
Rep by its Secretary to Government
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. Chennai Metropolitan Development Authority,
Rep by its Member Secretary,
Gandhi Irwin Road, Egmore, Chennai 600 008
3. The Greater Chennai Corporation
Rep by its Commissioner,
Rippon Buildings, Chennai 600 003.
4. The Greater Chennai Corporation
Rep by its Executive Engineer,
Zone-15, Shozhanganallur,
Chennai 600 119.
5. The Greater Chennai Corporation
Rep by its Assistant Executive Engineer,
Unit-45, Shozhanganallur,
Chennai 600 119.
6. The Greater Chennai Corporation
Rep by its Junior Engineer,
Div-194, Shozhanganallur,
Chennai 600 11

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the respondents 4,5 and 6 from initiating any coercive action of locking and sealing and demolition or any other consequential

action on the 25 numbers of the ground floor shops (Metal Sheet Roof) at No.231/71, OMR Food Street (Rajiv Gandhi Salai) Okkiyam Thoraipakkam, Chennai 600 097 based on the locking and sealing Notice dated 28.03.2017 vide Notice No.156/2017 issued by the respondents 4,5 and 6, pending disposal of the appeal / revision dated 13.03.2017 before the first respondent as directed by this Court in order dated 16.03.2017 in W.P.No.6475 of 2017.

For Petitioner : Mr.S.John J.Raja Singh
For Respondent-1 : Mr.R.Vijayakumar, Addl.G.P
For Respondent-2 : Mr.C.Johnson
For Respondents 3 to 6 : Mr.Selvasekaran

ORDER

(The Order of the Court was made by N.Kirubakaran,J)

This Writ Petition has been filed seeking for a Writ of Mandamus forbearing the respondents 4,5 and 6 from initiating any coercive action of locking and sealing and demolition or any other consequential action on the 25 numbers of the ground floor shops (Metal Sheet Roof) at No.231/71, OMR Food Street (Rajiv Gandhi Salai) Okkiyam Thoraipakkam, Chennai 600 097 based on the notice No.156/2017 dated 28.03.2017 issued by the respondents 4,5 and 6, pending disposal of the appeal / revision.

2. It is submitted by the learned counsel for the petitioner that on the very same subject, earlier, with regard to the same property, the first and second respondents have already taken coercive steps to seal the petitioner's premises, which was stalled by this Court, by order dated 16.03.2017 in W.P.No.6475 of 2017. Parallely after the order was passed, the respondents 3 to 5 are again proceeding, by issuing an order dated 28.03.2017.

3. Heard both the parties and perused the materials available on record.

4. This Court, by order dated 16.03.2017 in W.P.6475 of 2017, directed the first respondent to consider the appeal / revision filed by the petitioner on 13.03.2017 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 the order and further directed that till the disposal of the appeal/revision, no coercive steps shall be taken by the respondent authorities.

5. When the appeal is pending before the first respondent and a direction has been given by this Court to dispose of the appeal within a time frame, the other respondents have got no authority to issue any fresh orders with regard to the

petitioner's property.

6. In view of the same, the Writ Petition is allowed and the order passed by the respondents 4, 5 and 6 on 28.03.2017 is quashed. No costs. Connected Writ Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

srn/ds

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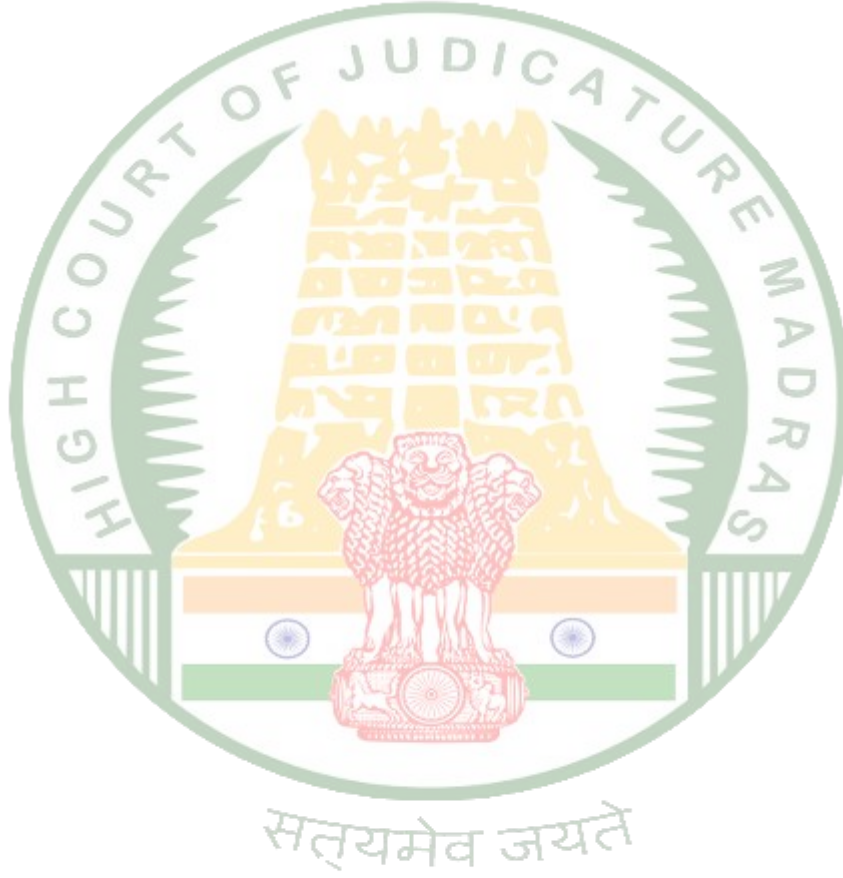
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6. The Junior Engineer,
Greater Chennai Corporation
Div-194, Shozhanganallur,
Chennai 600 119

+2ccs to Mr.P.M. Surendra Kumar, Advocate Sr. 36677

+1cc to Mr.C.Johnson, Advocate Sr. 36683

W.P.No.11106 of 2017
and W.M.P.No.12038 of 2017

NM(CO)
VR(15/5/2017)



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