

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

CORAM

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

W.P.No.4997 of 2017

A.Shabbir

.. Petitioner

Vs.

1. Chennai Metropolitan Development Authority
rep. by its Member Secretary
No.1, Gandhi Irwin Road, Egmore
Chennai-8.
2. The Government of Tamil Nadu
rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-9. .. Respondents

PRAYER: Petition 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 Old No.289, New No.138, Lingi Chetty Street, Chennai-1 pending determination of the Revision Petition submitted by the petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 20.02.2017.

For Petitioner : Mr.R.Mohan

For Respondents : Ms.Vasudha Thiagarajan
Addl. Government Pleader
for 2nd respondent

Mr.K.Raja Srinivas
for 1st respondent

ORDER

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

Mr.K.Raja Srinivas, learned counsel takes notice for the first respondent and Ms.Vasudha Thiagarajan, learned

Additional Government Pleader takes notice for the second respondent.

2. Heard the learned counsel for the parties.

3. The petitioner has 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 Old No.289, New No.138, Lingi Chetty Street, Chennai-1 pending determination of the Revision Petition submitted by the petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 20.02.2017.

4. The petitioner claims to be the owner of the property. It is stated that due to certain deviations, the first respondent issued a lock and seal notice on 2.2.2017. Against the same, the petitioner has preferred a special revision under Section 80A of the Act along with a petition for stay on 20.2.2017. However, it is alleged that no orders have been passed by the second respondent even in the stay petition till date. Hence, the present writ petition is filed.

5. Considering the facts and circumstances of the case, we direct the second respondent to consider the special revision petition and the stay petition filed by the petitioner on 20.2.2017 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 special revision, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5258 of 2017 is closed.

sd/
Assistant Registrar (CO)

/true copy/

Sub Assistant Registrar

sasi

To:

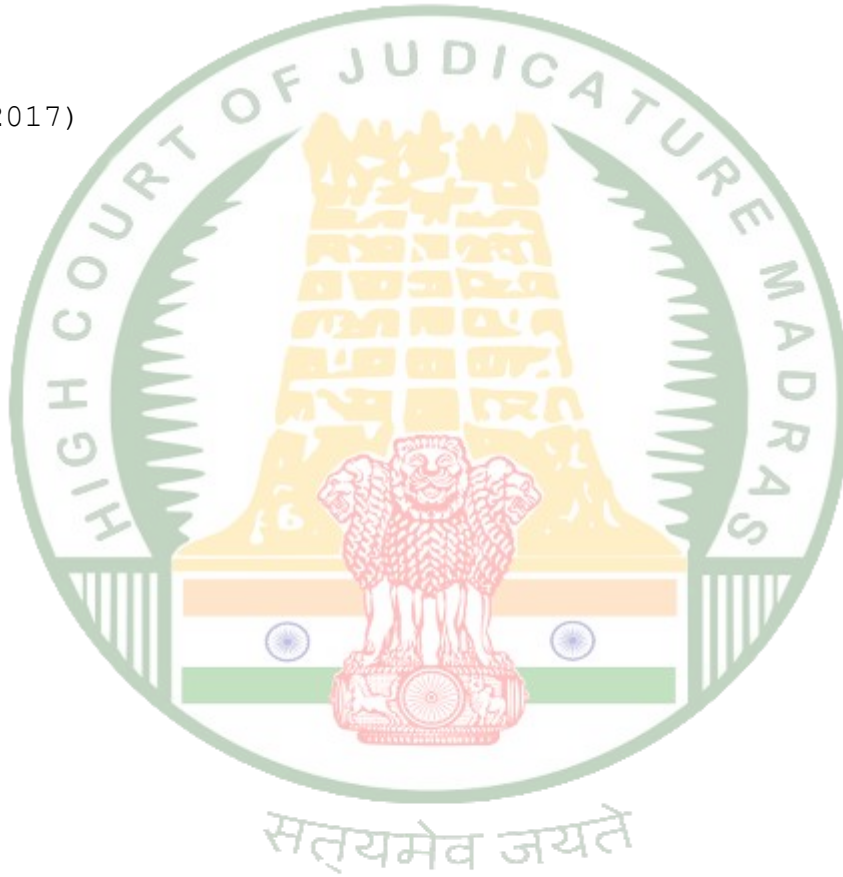
1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore
Chennai-8.

2. The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai-9.

+1cc to Mr.K.Raja Srinivasan, Advocate SR.No.12965
+1cc to Mr.R.Mohan, Advocate SR.No.12778
+1cc to Government Pleader SR.No.12982

W.P.No.4997 of 2017

SV(CO)
GN(08/03/2017)



WEB COPY