

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.4998 of 2017

N.Sushila Devi

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary
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- 600 021.
- .. Respondents

PRAYER: Petition 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, sealing and demolition of the petitioner's premises at Old No.44, New No.35, Venkatachala Mudali Street, Park Town, Chennai - 600 003 till the final determination of the petitioner's special revision petition filed under Section 80(A) of the Tamil Nadu Town and Country Planning Act along with Stay Petition filed under Sec.80(A)(3) of the Act dated 13.02.2017 pending with the 1st respondent.

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

Mr.V.Selvasekaran
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. Mr.V.Selvasekaran, learned counsel takes notice for respondents 2 and 3.

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 2 and 3 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at Old No.44, New No.35, Venkatachala Mudali Street, Park Town, Chennai - 600 003 till the final determination of the petitioner's special revision petition filed under Section 80 (A) of the Tamil Nadu Town and Country Planning Act along with Stay Petition filed under Sec.80(A)(3) of the Act dated 13.02.2017 pending with the 1st respondent.

4. The petitioner claims to be the owner of the residential building, having constructed the same after obtaining planning permission from the authorities concerned. It is stated that due to certain deviations, the third respondent issued a lock and seal notice on 20.1.2017. Against the same, the petitioner has preferred a special revision under Section 80A of the Act along with a petition for stay on 13.2.2017. However, it is alleged that no orders have been passed by the first 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 first respondent to consider the special revision petition and the stay petition filed by the petitioner on 13.2.2017 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.5259 of 2017 is closed.

sd/

Assistant Registrar(CO)

/true copy/

Sub Assistant Registrar

sasi

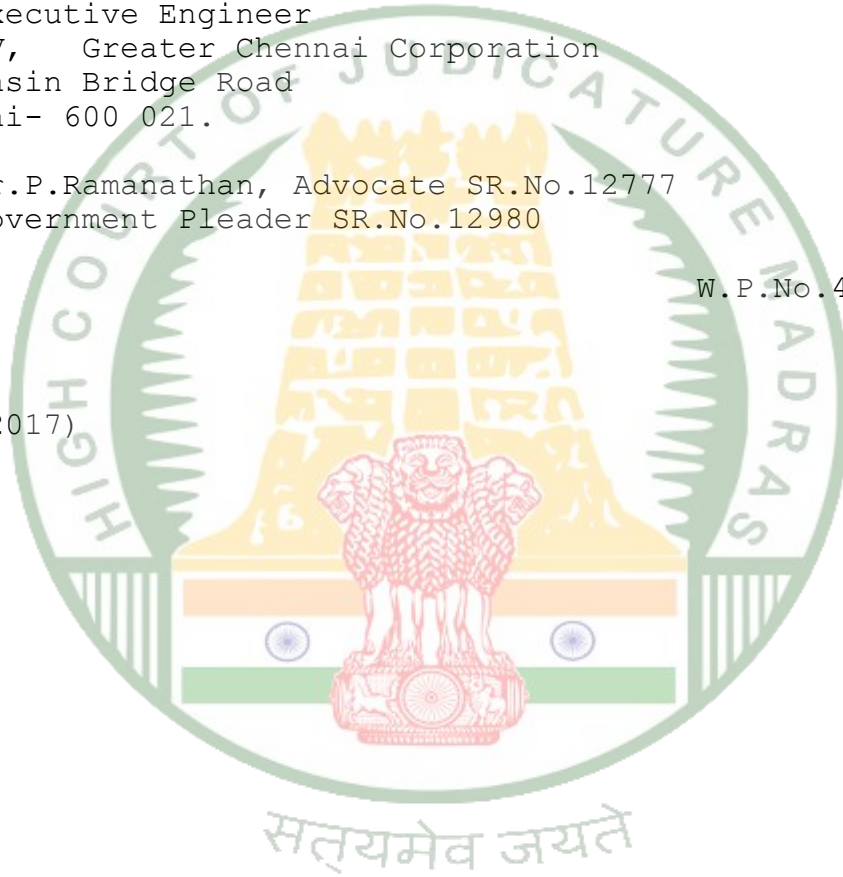
To:

1. The Secretary
State of Tamil Nadu
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- 600 021.

+lcc to Mr.P.Ramanathan, Advocate SR.No.12777
+lcc to Government Pleader SR.No.12980

W.P.No.4998 of 2017

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



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