

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.08.2017

Coram

The Honourable Mr.Justice R.SUBBIAH
AND
The Honourable Mr.Justice A.D.JAGADISH CHANDIRA

W.P.No.20759 of 2017
and
W.M.P.Nos.21581 of 2017

A.N.Mohamed Ali .. Petitioner

..vs..

1.The Greater Chennai Corporation,
rep. by its Commissioner,
Rippon Buildings, Chennai-600 003.

2.The Executive Engineer, Zone-V,
Greater Chennai Corporation,
No.62, Basin Bridge Road, Chennai-21.

3.The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, forbearing the respondents 1 & 2 from in any way interfering with the petitioner's premises at No.176 (175), Angappan (Naickan) Street, Mannady, V.O.C. Nagar, Chennai-600 001, more particularly by way of locking and sealing and demolition of the same, pending final determination of the petitioner's special petition and stay petition dated 23.06.2017 filed under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, with the 3rd respondent.

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For Petitioner : Mr.Dr.P.Vasudevan

For Respondents : Mr.R.Arunmozhi (For R1 & R2)
Mr.P.Sanjay Gandhi, AGP (For R3)

JUDGMENT

(Order of the Court was made by R. SUBBIAH, J.,)

Mr.R.Arunmozhi, learned standing counsel takes notice for respondents 1 & 2. Mr.P.Sanjay Gandhi, learned Additional Government Pleader takes notice for the 3rd respondent.

2The present writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, forbearing the respondents 1 & 2 from in any way interfering with the petitioner's premises at No.176 (175), Angappan (Naickan) Street, Mannady, V.O.C. Nagar, Chennai-600 001, more particularly by way of locking and sealing and demolition of the same, pending final determination of the petitioner's special petition and stay petition dated 23.06.2017 filed under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, with the 3rd respondent.

3.It stated by the petitioner that the petitioner is the owner of the subject property. He claims to have demolished the old building and reconstructed a new building based on planning permission obtained from the Corporation of Chennai. However, alleging violation in the building plan, the Corporation authorities issued a de-occupation notice dated 06.05.2016. Assailing the same, the petitioner preferred a special revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act along with a stay petition on 23.06.2017 before the 3rd respondent and the same is pending consideration. Apprehending that the respondents would initiate coercive action, the present writ petition is filed.

4.Considering the facts and circumstances of the case, We direct the 3rd respondent to consider the revision and the stay petition filed by the petitioner on 23.06.2017 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 appeal, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssv

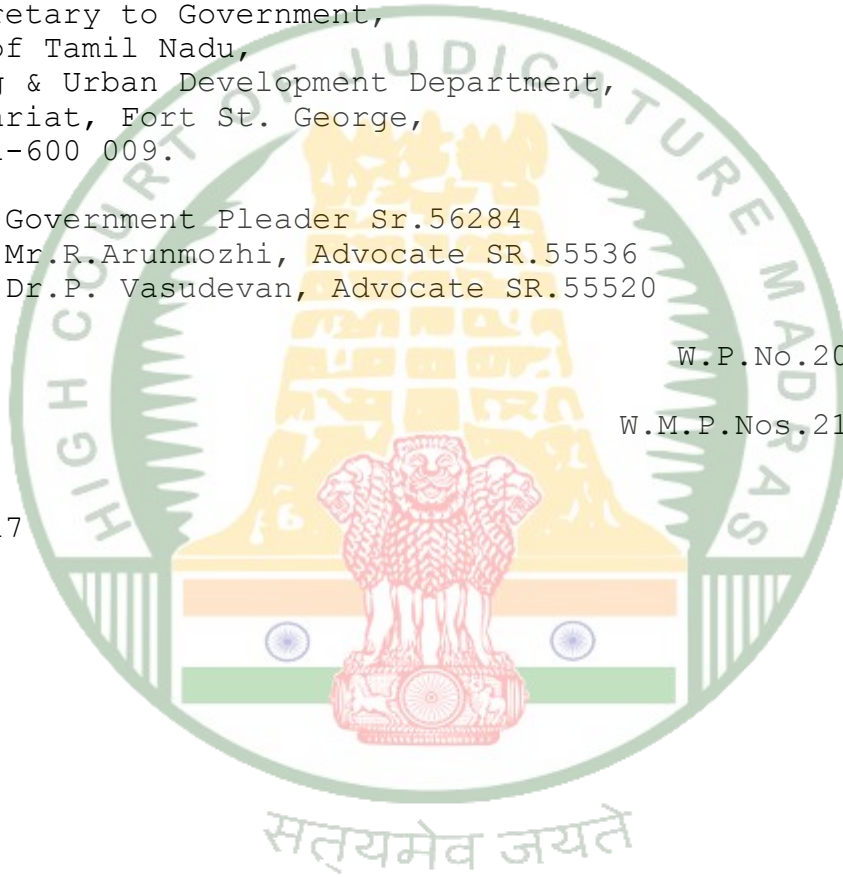
Copy to

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai-600 003.
- 2.The Executive Engineer, Zone-V,
Greater Chennai Corporation,
No.62, Basin Bridge Road, Chennai-21.
- 3.The Secretary to Government,
State of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.

- + 1 cc to Government Pleader Sr.56284
- + 1 cc to Mr.R.Arunmozhi, Advocate SR.55536
- + 1 cc to Dr.P. Vasudevan, Advocate SR.55520

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and
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GJI (CO)
Eu 23.08.17



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