

In the High Court of Judicature at Madras

Dated 04.08.2017

Coram

The Honourable Mr.Justice R.SUBBIAH

AND

The Honourable Mr.Justice A.D.JAGADISH CHANDIRA

W.P.No.20794 of 2017 and

W.M.P.Nos.21642 of 2017

M/s.Kalivi Ramanna Chetty Vysay Dharma Sathram,
rep. by its President Mr.P.Badrinath,
S/o.Venkatesam Chetty,
No.64/2, (77/2),
Narayana Mudali Street, Sowcarpet,
Chennai-600 079. ... Petitioner

..vs..

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Having Office at No.61, Basin Bridge Road,
Chennai-600 021.
- 3.The Executive Engineer,
Greater Chennai Corporation, Zone-V,
No.61, Basin Bridge Road,
Chennai-600 021.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, forbearing the 2nd and 3rd respondents from in any way interfering with the building at No.64/2(77/2), Narayana Mudali Street, Sowcarpet, Chennai-600 079, particularly by way of locking and sealing and demolition & de-occupation notice and pending final determination of the appeal dated 29.08.2016 pending with the 1st respondent under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971.

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

JUDGMENT

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

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

2The present writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, forbearing the respondents 2 & 3 from in any way interfering with the building at No.64/2(77/2), Narayana Mudali Street, Sowcarpet, Chennai-600 079, particularly by way of locking and sealing and demolition & de-occupation notice, and pending final determination of the appeal dated 29.08.2016 on the file of the 1st respondent under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971.

3.It stated by the petitioner that the petitioner is the owner of the property. They claim 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 lock and seal and demolition notice dated 10.06.2016. Assailing the same, the petitioner preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act along with a stay application on 29.08.2016 before the 1st 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 1st respondent to consider the appeal and the stay petition filed by the petitioner on 29.08.2016 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(CS VI)

//True Copy//

Sub Assistant Registrar

ssv

Copy to

- 1.The Secretary,
Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Having Office at No.61, Basin Bridge Road,
Chennai-600 021.
- 3.The Executive Engineer,
Greater Chennai Corporation, Zone-V,
No.61, Basin Bridge Road,
Chennai-600 021.

+1cc to Mr.D.Balachandran, Advocate, S.R.No.55864
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.56040

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and
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