

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.20852 of 2017

and

W.M.P.Nos.21712 & 21713 of 2017

1.Devichand Gandhi

2.Shanthilal

.. Petitioners

..vs..

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 008.

2.The Executive Engineer,
Corporation of Chennai, Zone-V,
No.61,Basin Bridge Road,
Chennai-21.

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

.. 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 and 2 from initiating any coercive action of locking and sealing and demolition action with regard to the building put up at New No.17, Old No.9, Bundar Street, Sowcarpet, Chennai-79, pending determination of Section 80-A revision petition under Town and Country Planning Act, dated 22.07.2017 with the Government.

For Petitioner : Mr.R.Mohan

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

2.The present writ petition has been filed by the petitioners seeking for issuance of a Writ of Mandamus, forbearing the respondents 1 & 2 from initiating any coercive action of locking and sealing and demolition action with regard to the building put up at New No.17, Old No.9, Bundar Street, Sowcarpet, Chennai-79, pending determination of the revision petition filed by the petitioners dated 22.07.2017 before 3rd respondent, under Section 80-A of the Town and Country Planning Act.

3.It stated by the petitioners that they are the joint owners of the subject property. They claim that the building in the subject property was constructed after obtaining necessary planning permission from the Corporation of Chennai. However, alleging violation in the building plan, the Corporation authorities issued Notice dated 07.04.2017 to lock and seal the premises. Assailing the same, the petitioners preferred a special revision along with a stay petition, under Section 80A of the Tamil Nadu Town and Country Planning Act on 22.07.2017 before the 3rd respondent and the same is pending consideration. Apprehending that the respondents would initiate coercive action, the present writ petition is filed by the petitioner.

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 22.07.2017 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioners, 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 petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssv

Copy to

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 008.
- 2.The Executive Engineer,
Corporation of Chennai, Zone-V,
No.61,Basin Bridge Road, Chennai-21.
- 3.The Secretary to Government,
Government of Tamil Nadu
Housing and Urban Development Department,
Fort St.George, Chennai-9.

+1 cc to M/s.R.Mohan Advocate sr 55901
+1 cc to M/s.R.Arunmozhi Advocate sr 56038
+1 cc to the Government Pleader sr 56443

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