

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.20854 of 2017

and

W.M.P.No.21715 of 2017

R.T.Gnanam

.. Petitioner

..vs..

1.The State of Tamil Nadu

rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

2.Chennai Metropolitan Development Authority,

rep. by its Member Secretary,

No.1, Gandhi Irwin Road,

Egmore, Chennai-600 008.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, forbearing the 1st respondent from in any way interfering with the petitioner's premises at Door No.514, G.N.T. Road, Redhills, Chennai-52, comprised in S.No.94/7, Naravarikuppam Village, Chennai, 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 12.07.2017 filed under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act, with the 2nd respondent.

For Petitioner : Mr.P.Ramanathan

For Respondents : Mr.A.N.Thambidurai, Spl GP (For R1)
Mr.N.Sampath (For R2)

JUDGMENT

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

Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for for the 1st respondent. Mr.N.Sampath, learned Standing Counsel, takes notice for the 2nd respondent.

2.The present writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, forbearing the 1st respondent from in any way interfering with the petitioner's premises at Door No.514, G.N.T. Road, Redhills, Chennai-52, comprised in S.No.94/7, Naravarikuppam Village, Chennai, 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 12.07.2017 filed under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, with the 2nd respondent.

3.It stated by the petitioner that he is the owner of the subject property. He got the said property by way settlement dated 29.06.2000 executed by his father Dhanapal Chettiyar. Earlier his father had applied sanction from the local body and constructed a residential building in the said land in the year 1983. Since the building has become old, the petitioner has carried out painting works in the said premises. While so, the 2nd respondent issued a stop work notice to the petitioner calling for approved plan. He has replied on 26.08.2016 by enclosing copy of the Settlement Deed, receipt issued by Municipality and EB Bill. On 16.11.2016, the 2nd respondent has issued locking and sealing notice to the petitioner. Immediately, the petitioner has applied for a revised plan under Section 49 of the Tamil Nadu Town and Country Planning Act with the 2nd respondent on 23.12.2016. Thereafter, on 01.02.2017, the 2nd respondent returned the application of the petitioner, asking him to resubmit the planning permission application. After returning the application, the 2nd respondent issued de-occupation notice dated 22.02.2017. Since the officials of the 2nd respondents threaten the petitioner of locking and sealing of the premises, the petitioner approached the 1st respondent by filing a special revision/appeal under Section 80(A) of the Tamil Nadu town and Country Planning Act and stay application Under Section 80(A)(3) of the Tamil Nadu Town and Country Planning Act on 12.07.2017 and the same is still pending. Apprehending that the respondents would initiate coercive action, the petitioner has come forward with the present writ petition.

4.Considering the facts and circumstances of the case, We direct the 1st respondent to consider the revision/appeal and the stay petition filed by the petitioner on 12.07.2017 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 revision/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 Secretary to Government,
State of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Chennai-9.
 - 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600008.
- + 1 cc to Mr.P.Ramanathan, Advocate Sr.55900
+ 1 cc to Mr.N.Sampath, Advocate sr.55832
+ 1 cc to Government Pleader Sr.56441

W.P.No.20854 of 2017
and
W.M.P.No.21715 of 2017

KJI(CO)
EU 23.08.17

WEB COPY