

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.20867 of 2017

and

W.M.P.Nos.21723 & 21724 of 2017

1.Tmt.Kamaladevi
2.Mr.Rakesh Kumar Baid
3.Mrs.Gunavathi Devi
4.Mr.Mangalram
5.Mr.Gautam Chand Jain
6.Mr.J.Babu Lal
7.Mr.Ashok Kumar
8.Mr.Prakash Kumar ... Petitioners

...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 Old No.41, New Door No.94, Narayana Mudali Street, George Town, Chennai-600 079 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 31.05.2017 filed under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, with the 3rd respondent.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.A.Nagarajan (For R1 & R2)
Mr.A.N.Thambidurai, Spl GP (For R3)

JUDGMENT

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

Mr.A.Nagarajan, learned standing counsel takes notice for respondents 1 & 2. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the 3rd respondent.

2.The 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 Old No.41, New Door No.94, Narayana Mudali Street, George Town, Chennai, more particularly by way of locking and sealing and demolition of the same, pending final determination of the petitioner's special revision petition and stay petition dated 31.05.2017 filed under Section 80-A & 80-A(3) of the Tamil Nadu Town and Country Planning Act, with the 3rd respondent.

3.It stated by the petitioners that they are the owners of the subject 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 05.05.2017. Assailing the same, the petitioners preferred a revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act along with a stay application on 31.05.2017 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 petitioners on 29.08.2016 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(CCC)

//True Copy//

Sub Assistant Registrar

ssv

Copy to

- 1.The Commmissioner,
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 Mr.A.Nagarajan, Advocate Sr.56042
+ 1 cc to Government Pleader Sr.56440
+ 1 cc to Mr.L.Chandrakumar, Advocate SR.55903

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EU 23.08.17

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