

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.20872 of 2017

and

W.M.P.No.21732 of 2017

Mrs.B.Gajalakshmi

.. Petitioner

..vs..

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

2.The Executive Engineer,
Zone-05, Greater Chennai Corporation,
No.62,Basin Bridge Road,
Chennai-600021.

3.The Government of Tamil Nadu
rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai-600009.

.. 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 interfering with the petitioner building situated at Old Door No.115, Thaiyappan Street, George Town, Chennai-600001, pursuant to the de-occupation notice dated 07.04.2017 in Letter No.05/02639/2017, particularly locking and sealing and demolition, pending determination of the Special Revision filed under Section 80(A) and stay petition under Section 80A(3) of the Tamil Nadu Town and Country Planning Act, 1973, with the 3rd respondent dated 04.07.2017.

For Petitioner : Mr.Ganesh

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 the respondents 1 & 2. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for 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 and 2 from interfering with the petitioner's building situated at Old Door No.115, Thaiyappan Street, George Town, Chennai-600001, pursuant to the de-occupation notice dated 07.04.2017 in Letter No.05/02639/2017, particularly locking and sealing and demolition, pending determination of the Special Revision dated 04.07.2017 filed under Section 80(A) and stay petition under Section 80A(3) of the Tamil Nadu Town and Country Planning Act, 1973, with the 3rd respondent.

3.It stated by the petitioner that he is the owner of the subject property. She claims 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 de-occupation notice dated 07.04.2017 to the petitioner. Assailing the same, the petitioner preferred a special revision along with a stay petition, appeal under Section 80A & 80A(3) of the Tamil Nadu Town and Country Planning Act on 04.07.2017 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 04.07.2017 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 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/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

SSV

Copy to

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 008.
- 2.The Executive Engineer,
Zone-05, Greater Chennai Corporation,
No.62,Basin Bridge Road,
Chennai-600021.
- 3.The Secretary,
Government of Tamil Nadu
Housing and Urban Development Department,
Fort St.George, Chennai-600009.

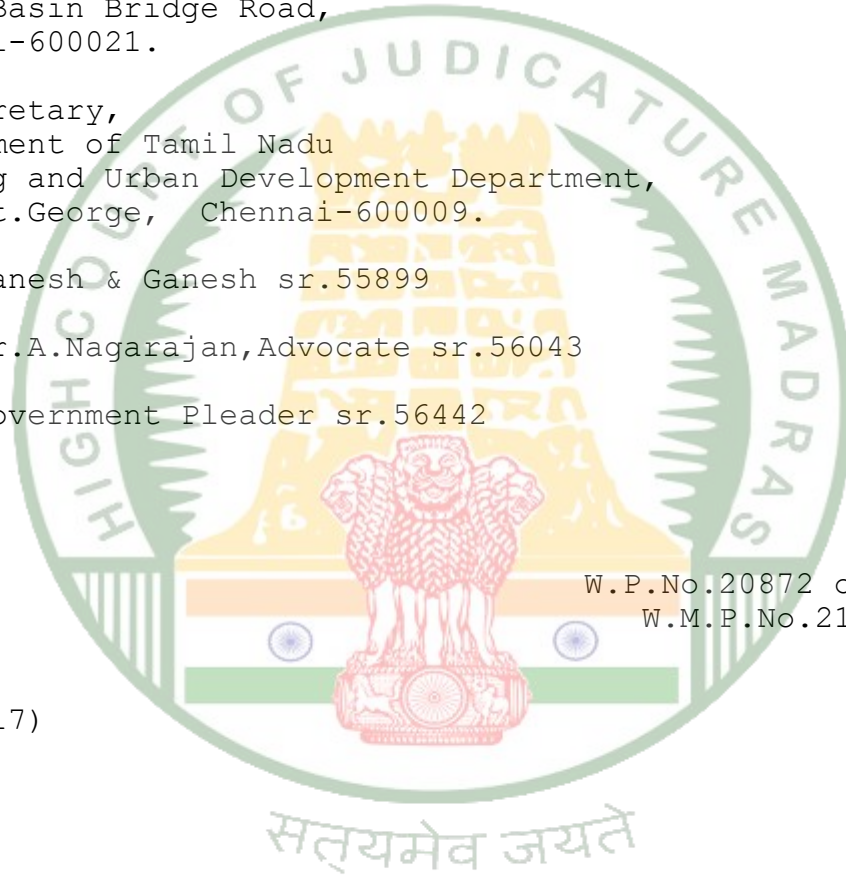
+1cc to Ganesh & Ganesh sr.55899

+1cc to Mr.A.Nagarajan,Advocate sr.56043

+1cc to Government Pleader sr.56442

lrs(co)
ss(1/9/2017)

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