

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.05.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.13126/2017 & WMP Nos.14103 & 14104/2017

1.P.Rajan
2.P.Sudhakar
3.P.Sekar
4.P.Siva

...Petitioners

Vs

1.Chennai Metropolitan Development Authority,
Rep.by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

3.The Executive Engineer,
Zone V, Corporation of Chennai,
61, Basin Bridge Road, Chennai-21.

4.Government of Tamil Nadu,
Rep.by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 to 3 from initiating any coercive action of locking, sealing and demolition with regard to the petitioners building put up at No.14 (New No.27) Purasawakkam High Road, Chennai-600 007 under Town and Country Planning Act till the disposal of petitioners Special Revision Petition submitted under Section 80-A and Stay Petition under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 17.05.2017 with the 4th respondent.

For Petitioners: Mr.P.Ramanathan
For R-1 : Mr.C.Johnson
For RR-2 & 3 : Mr.A.Nagaraju
For R-4 : Mr.M.K.Subramaniam, GP

ORDER

[Order of the court was made by R.MAHADEVAN, J.,]

Heard Mr.P.Ramanathan, learned counsel appearing for the petitioners, Mr.C.Johnson, learned counsel appearing for the 1st respondent. Mr.A.Nagaraju, learned counsel appearing for the respondents 2 and 3, and Mr.M.K.Subramaniam, learned Government Pleader appearing for the 4th respondent.

2. Seeking an order against the respondents 1 to 3 as well as their subordinates from initiating any coercive action of locking any sealing and also demolition of the building for violating the building rules, the petitioner is before this Court. It is specifically alleged that without providing any opportunity and considering the pendency of appeal the respondents 1 to 3 are insisting the petitioners for de-occupation.

3. Admittedly, the petitioner filed the Special Revision Petition under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 17.05.2017 along with stay application which is said to be pending.

4. Since, the petitioner moved the Appellate/Revisional Authority along with stay petition, we are inclined to direct the Appellate Authority- the fourth respondent herein to pass appropriate order in the stay application after providing due opportunity of hearing to the petitioners within a period of two weeks from the date of receipt of a copy of this order and decide the appeal on merits thereafter.

With this direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj /KP

To

1.Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

3.The Executive Engineer,
Zone V, Corporation of Chennai,
61, Basin Bridge Road,
Chennai-21.

4.Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.

+1cc to Mr.C.Johnson, Advocate, S.R.No.37949

+1cc to Mr.A.Nagarajan, Advocate, S.R.No.37895

+1cc to Mr.P.Ramanathan, Advocate, S.R.No.37850

W.P.No.13126/2017 &
WMP Nos.14103 & 14104/2017

RK(CO)
RS(08/06/2017)

सत्यमेव जयते

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