

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.Nos.13128 & 13129 of 2017 &
WMP Nos.14106 to 14109 of 2017

1.Prasanraj Kanchariya,
2.Kancharmal
Rep.through POA Mr.Dilip Kumar

...Petitioners in
W.P.No.13128/2017

1.Mukesh Kumar Jain
2.R.Babulal
3.Naveen A.Shah

...Petitioners in
W.P.No.13129/2017

Vs

1. The Corporation of Chennai,
Rep.by its Commissioner,
Repin Building,
Chennai-600 003.
2. The Executive Engineer,
Zone V,
Corporation of Chennai,
O/o.The Regional Deputy Commissioner (North),
No.61, Basin Bridge Road, Chennai-600 021.
3. The Government of Tamil Nadu,
Rep.by its. Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai-600 009.

...Respondents in
(Both WP's)

Prayer in W.P.No.13128/2017: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the first and second Respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition (de-occupation) with regard to the

building put up at No.47 (Old No.24), Bunder Street, Sowcarpet, Chennai-600 079 pending determination of the Revision petition submitted by the petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 30.03.2017 with the 3rd respondent.

Prayer in W.P.No.13128/2017: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the first and second Respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition (de-occupation) with regard to the building put up at No.89, Narayana Mudali Street, Sowcarpet, Chennai-600 079 pending determination of the Revision petition submitted by the petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 30.03.2017 with the 3rd respondent.

For Petitioners : DR.P.Vasudevan (in both WP's)
For RR-1 & 2 : M/s.R.Arunmozhi (in both WP's)
For R-3 : Mr.M.K.Subramani, (in both WP's)
Government Pleader

COMMON ORDER

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

Heard Dr.P.Vasudevan, learned counsel appearing for the petitioners, M/s.R.Arunmozhi, learned counsel appearing for the respondents 1 & 2, and Mr.M.K.Subramaniam, learned Government Pleader appearing for the 3rd respondent.

2. Seeking an order against the respondents 1 and 2 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 & 2 are insisting the petitioners for de-occupation.

3. Admittedly, the petitioner filed the Special Revision Petition under Section 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 30.03.2017 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 third 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, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

Rj /KP

To

1. The Commissioner,
The Corporation of Chennai,
Reion Building,
Chennai-600 003.
2. The Executive Engineer,
Zone V,
Corporation of Chennai,
O/o.The Regional Deputy Commissioner (North),
No.61, Basin Bridge Road,Chennai-600 021.
3. The Secretary to Government,
The Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.

+2cc to Dr.P.Vasudevan, Advocate Sr. 37851

+1cc to Mr.R.Arunmozhi, Advocate Sr. 37892

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W.P.Nos.13128 &13129/2017 &
WMP Nos.14106 to 14109/2017

GJII (CO)
VR(06/06/2017)