

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.13130/2017 & WMP Nos.14110 & 14111/2017

1.D.Vinoth Kumar Dharmajee
2.Rukumanibai
3.Suresh Kumar
4.Smt.Savitha Bai

..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,
62, Basin Bridge Road,
Chennai-21.
3. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai-9.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 1st and 2nd Respondents from in any way interfering with the petitioners premises at New No.55, Old No.28, Acharappan Street, George Town, Chennai-600 001 more particularly by way of locking and sealing and demolition of the same, pending final determination of the petitioners Special Petition and stay petition dated 24.03.2017 filed under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the 3rd respondent.

For Petitioners	:	Mr.R.Srinivasalu
For RR-1 & 2	:	Mr.V.C.Selvasekaran
For R3	:	Mr.M.K.Subramaniam, GP

ORDER

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

Heard Mr.Mr.R.Srinivasalu, learned counsel appearing for the petitioners, Mr.V.C.Selvasekaran, learned counsel appearing for the respondents 1 and 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 petitioners building for violating the building rules, the petitioner is before this Court. It is specifically alleged that without providing any opportunity and considering the pending of appeal the respondents 1 and 2 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 24.03.2017 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 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, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition are closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

Rj /KP

To

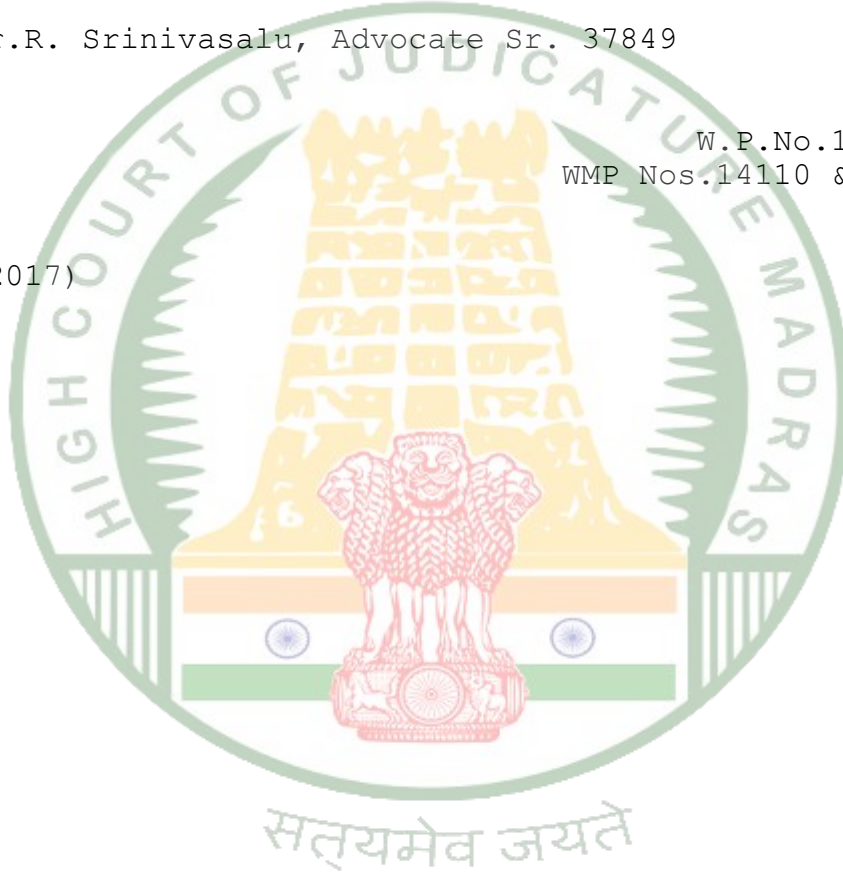
1. The Commissioner,
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3. The Secretary to Government,
The State of Tamil Nadu,
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+lcc to Mr.R. Srinivasalu, Advocate Sr. 37849

W.P.No.13130/2017 &
WMP Nos.14110 & 14111/2017

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



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