

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.13243/2017 & WMP No.14233/2017

Thiruvottiyur Nagara Vannia Kula
Shathriar Trust Rep.by its Secretary,
Mr.Panneerdoss,
No.25, West Mada Street,
Thiruvettriur,
Chennai-600 019. ...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep.by its Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai-9.
- 2.The Executive Engineer,
Greater Chennai Corporation,
Zone-I, Thiruvottiyur High Road,
Chennai-600 019. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 and 2 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at No.25, West Mada Street, Thiruvettriur, Chennai-600 019 under Town and Country Planning Act till the disposal of the petitioner's Appeal under Section 80-A of the Tamil Nadu Country Planning Act dated 13.03.2017 pending on the file of the first respondent.

For Petitioner :	Mr.L.Chandrakumar
For R-1 :	Mr.M.K.Subramaniam, GP
For R-2 :	Mr.V.C.Selvasekaran

ORDER

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

Heard Mr.Mr.L.Chandrakumar learned counsel appearing for the petitioner, Mr.M.K.Subramaniam, learned Government Pleader appearing for the 1st respondent and Mr.V.C.Selvasekaran, learned counsel appearing for the second respondent.

2. Seeking an order against the respondents 1 & 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 petitioner 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 13.03.2017 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 first respondent herein to pass appropriate order in the stay application after providing due opportunity of hearing to the petitioner 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 is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Rj /KP

To

1.The Secretary
The State of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai-9.

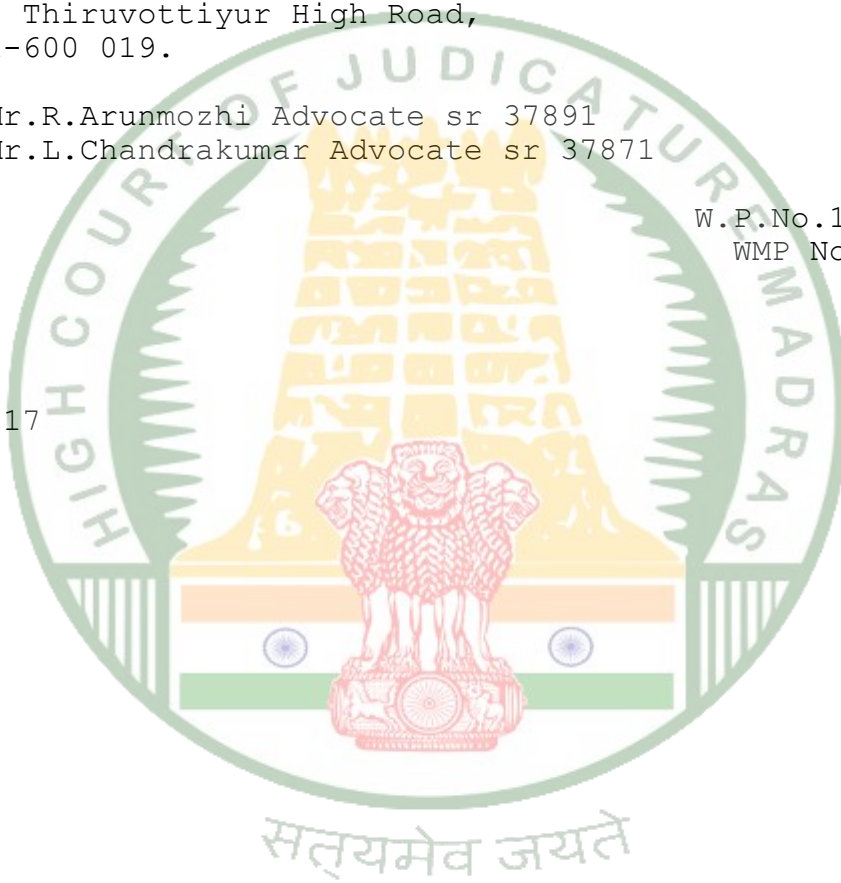
2.The Executive Engineer,
Greater Chennai Corporation,
Zone-I, Thiruvottiyur High Road,
Chennai-600 019.

+1 cc to Mr.R.Arunmozhi Advocate sr 37891

+1 cc to Mr.L.Chandrakumar Advocate sr 37871

W.P.No.13243/2017 &
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