

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.13275/2017 & WMP No.14272/2017

S.Shahul Hameed

..Petitioner
Vs

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

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-8.

..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 Plot No.30, 2/78, New No.63, Sembudoss Street, Cehnnai-600 001, 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 09.06.2016 pending on the file of the respondent.
1st

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

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 first respondent and Mr.C.Johnson, learned counsel appearing for the second 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 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 09.06.2016 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.

Sd/-
सत्यमेव जयते

Assistant Registrar

//True Copy//

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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 Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-8.

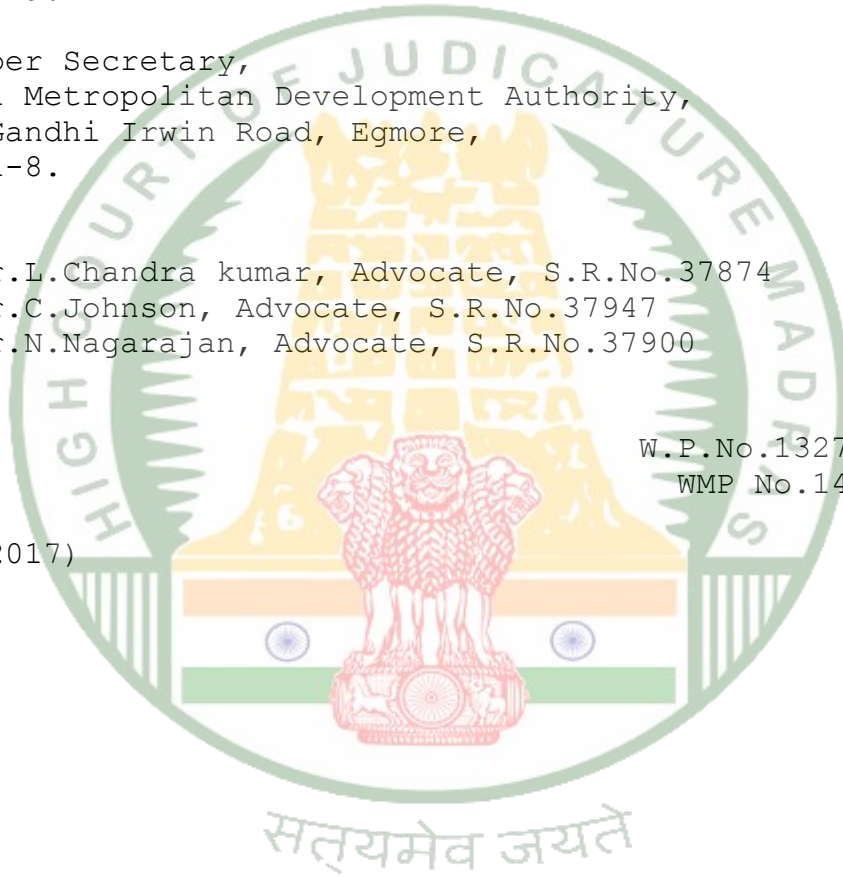
+1cc to Mr.L.Chandra kumar, Advocate, S.R.No.37874

+1cc to Mr.C.Johnson, Advocate, S.R.No.37947

+1cc to Mr.N.Nagarajan, Advocate, S.R.No.37900

W.P.No.13275 of 2017 &
WMP No.14272 of 2017

NMI (CO)
RS (06/06/2017)



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