

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.13296/2017
WMP No.14298 /2017

M/s.P.Murali Krishnachetty & Co.,
Rep.by its Partner P.Bhushan Kumar,
G-Floor, 94/41, Narayana Mudali Street,
George Town, Sowcarpet,
Chennai-600 079. Petitioner

Vs

1.The Secretary to The Government,
Housing and Urban Development Department,
Fort.St.George,
Chennai-600 009.

2.The Corporation of Chennai,
Represented by Commissioner,
Rippon Building,
Chennai-3.

3.The Executive Engineer,
Zone V, Corporation of Chennai,
61, Basin Bridge Road,
Old Washermenpet,
Chennai-600 021.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 2nd and 3rd Respondent or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the petitioner's property at Ground Floor No.94/41, Narayana Mudali Street, George Town, Sowcarpet, Chennai-600 079 in pursuance of the Notice in Letter No.05/02727/2017 dated 05.05.2017; during the pendency of petitioner's appeal/revision dated 19.05.2017 on the file of the 1st Respondent.

For Petitioner : Mr.B,Vijay
For R-1 : Mr.M.K.Subramaniam, GP
For RR-2 & 3 : Mr.A.Nagarajan

ORDER

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

Heard Mr.B.Vijay, learned counsel appearing for the petitioner, Mr.M.K.Subramaniam, learned Government Pleader appearing for the first respondent, and Mr.A.Nagarajan, learned counsel appearing for the respondents 2 and 3.

2. Seeking an order against the second and third respondents 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 2 & 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 19.05.2017 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 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/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj /KP

To

1.The Secretary to The Government,
Housing and Urban Development Department,
Fort.St.George,
Chennai-600 009.

2.The Commissioner,
The Corporation of Chennai,
Rippon Building,
Chennai-3.

3.The Executive Engineer,
Zone V, Corporation of Chennai,
61, Basin Bridge Road,
Old Washermenpet,
Chennai-600 021.

+1cc to Mr.R.Arunmozhi, Advocate Sr.37890

+1cc to Mr.B.Vijay, Advocate Sr.37876

+1cc to Government Pleader Sr.37879

sr[co]
srg 09/06/2017

W.P.No.13296/2017 &
WMP No.14298 /2017

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