

In the High Court of Judicature at Madras

Dated : 28.12.2017

Coram :

The Honourable Mr.Justice M.S.RAMESH

and

The Honourable Mr.Justice G.R.SWAMINATHAN

Writ Petition No.34063 of 2017 & WMP.No.37797 of 2017

N.SathyamorthyPetitioner

Vs

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

2.The Greater Chennai Corporation,
rep.by its Commissioner,
Rippon Buildings, Chennai-3.

3.The Executive Engineer,
Zone V, Greater Chennai
Corporation, No.61, Basin Bridge
Road, Chennai-21.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus, forbearing the second and third respondents from in any way interfering with the petitioner's premises at No.117/54, St. Xavier Street, Seven Wells, Chennai-1, more particularly by way of locking and sealing and demolition of the same, pending final determination of the petitioner's special revision petition and stay petition dated 26.9.2017 filed under Sections 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, with the first respondent.

For Petitioner : Mr.L.Chandrakumar
For Respondent-1 : Mr.T.M.Pappiah, SGP
For Respondents 2 & 3 : Mr.A.Nagarajan

Order of the Court was made by M.S.RAMESH, J

Mr.T.M.Pappiah, learned Special Government Pleader accepts notice for the first respondent. Mr.A.Nagarajan, learned Standing Counsel accepts notice for respondents 2 and 3.

2. The writ petition has been filed by the petitioner seeking to forbear respondents 2 and 3 from in any way interfering with the petitioner's premises at No.117/54, St.Xavier Street, Seven Wells, Chennai-1, more particularly by way of locking and sealing and demolition of the same, pending final determination of the petitioner's special revision petition and stay petition dated 26.9.2017 filed under Sections 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the first respondent.

3. It stated by the petitioner that he is the owner of the subject property. He got the said property by way of a sale dated 20.5.2013. According to the petitioner, he let out some portions in the property in question. While so, the third respondent issued a stop work notice to the petitioner calling for approved plan. The petitioner furnished all the documents pertaining to the property in question including the plan approval from the Corporation of Chennai. Again, on 10.6.2016, the third respondent issued locking and sealing notice to the petitioner and the deoccupation notice dated 21.8.2017 to the tenants of the petitioner. Immediately, the petitioner approached the first respondent by filing a special revision petition under Section 80(A) of the Tamil Nadu town and Country Planning Act and a stay application under Section 80(A)(3) of the Tamil Nadu Town and Country Planning Act on 26.9.2017 and the same are still pending. Apprehending that the respondents would initiate coercive action, the petitioner has come forward with the above writ petition.

4. Considering the facts and circumstances of the case, we direct the first respondent to consider the revision and the stay petition filed by the petitioner on 26.9.2017 and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner, within three months from the date of receipt of a copy of this order. Till the disposal of the revision, no coercive steps shall be taken by the respondent authorities.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

//True copy//

Sub Assistant Registrar

RS

To

1.The Secretary to Government of Tamil Nadu,Housing & Urban
Development

Department, Fort St. George, Chennai-9.

2.The Commissioner, Greater Chennai Corporation, Rippon
Buildings,
Chennai-3.

3.The Executive Engineer, Zone V, Greater Chennai Corporation,
No.61,

Basin Bridge Road, Chennai-21.

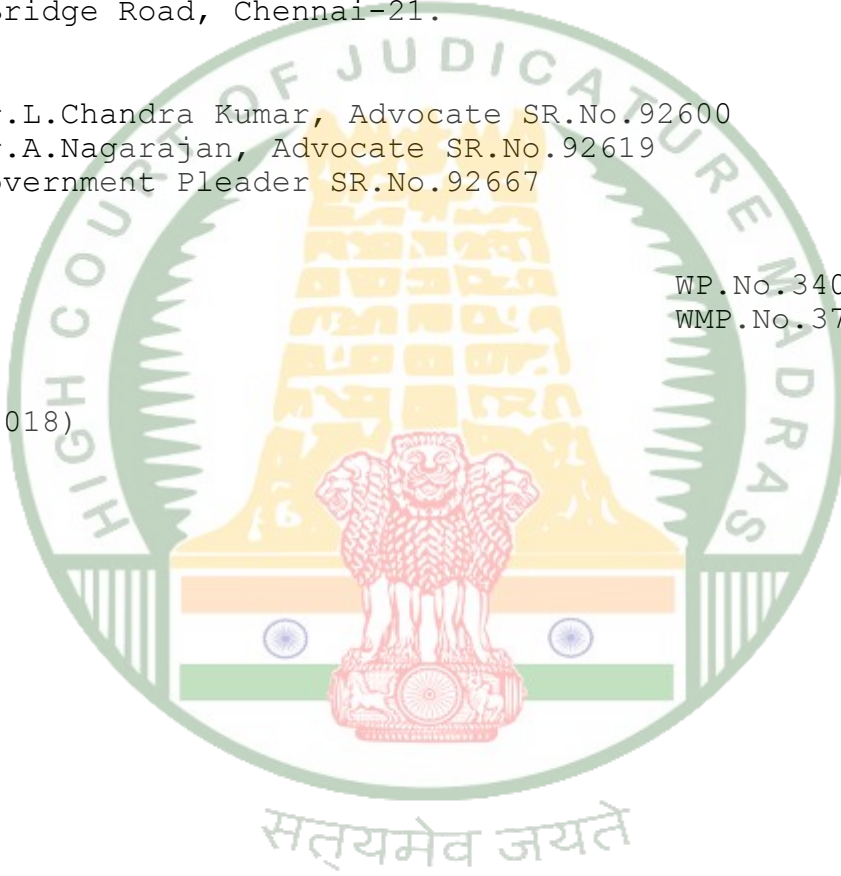
+1cc to Mr.L.Chandra Kumar, Advocate SR.No.92600

+1cc to Mr.A.Nagarajan, Advocate SR.No.92619

+1cc to Government Pleader SR.No.92667

WP.No.34063 of 2017&
WMP.No.37797 of 2017

KAN (CO)
GN (02/01/2018)



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