

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.34064 OF 2017 & WMP.NO.37798 OF 2017

J.Bharath Kumar

...Petitioner

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 in any manner initiating any coercive action of locking and sealing and demolition of petitioner's premises No.110/1(87/1), Varadamuthiyappan Street, Sowcarpet, Chennai-1 till the final determination of his special revision petition filed under Section 80-A of the Town Planning Act along with stay petition filed under Section 80-A(3) of the Act dated 06.7.2017 pending with the first respondent.

For Petitioner : Mr.P.Ramanathan
For Respondent-1 : Mr.T.N.Rajagopalan, SGP
For Respondents 2 & 3 : Mr.A.Nagarajan

ORDER:

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

Mr.T.N.Rajagopalan, 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.110/1(87/1), Varadamuthiyappan Street, Sowcarpet, 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 06.7.2017 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 deed dated 09.12.2010. According to the petitioner, though he obtained an approved plan, while constructing the building, the petitioner made some minor additions and alteration to suit his needs. While so, the third respondent issued a notice dated 28.1.2016 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, the third respondent issued the locking and sealing notice dated 28.3.2017 and also the deoccupation notice dated 13.4.2017 to 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 petition under Section 80(A)(3) of the Tamil Nadu Town and Country Planning Act on 06.7.2017 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 06.7.2017 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 WMP is closed.

s/d-
Assistant Registrar(V.O)

True Copy

Sub-Assistant Registrar

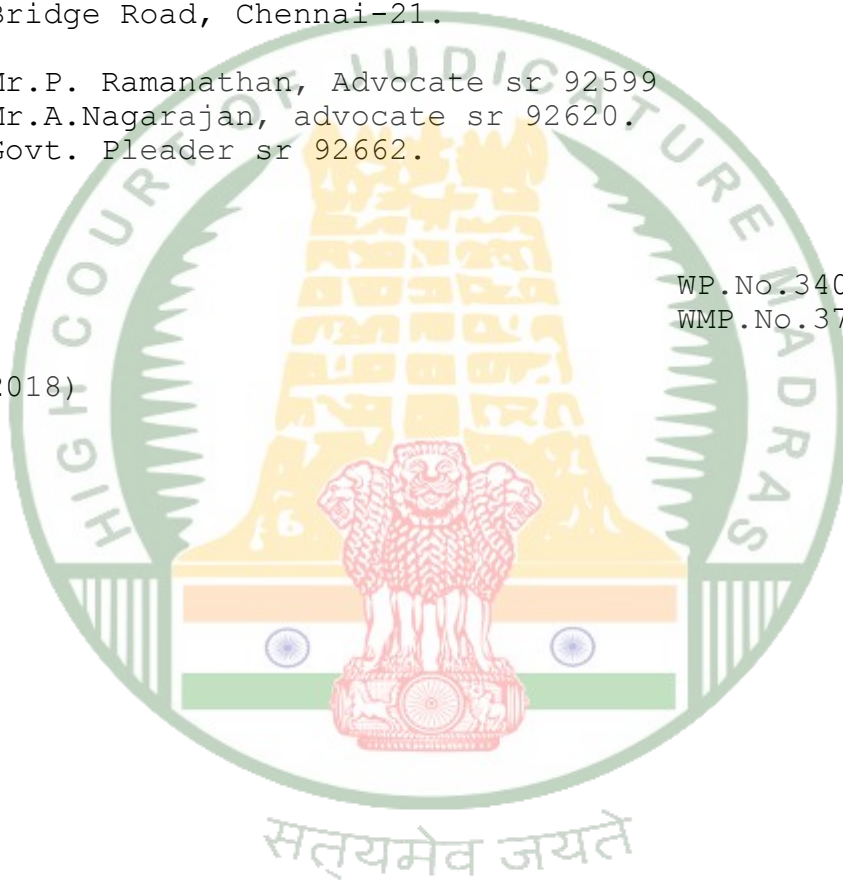
To

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.

+1 CC to Mr.P. Ramanathan, Advocate sr 92599
+1 CC to Mr.A.Nagarajan, advocate sr 92620.
+1 CC to Govt. Pleader sr 92662.

WP.No.34064 of 2017&
WMP.No.37798 of 2017

SP(02/01/2018)



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