

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.34068 of 2017 & WMP.No.37805 of 2017

N.Aravind

...Petitioner

Vs

1.Tambaram Municipality, rep.
by its Commissioner, Tambaram,
Chennai.

2.The Government of Tamil Nadu,
rep.by its Secretary to Government,
Housing and Urban Development
Department, Chennai-9.

...Respondents

Prayer:Writ petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus forbearing the 1st and 2nd respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.301/23, Muthurangam Mudali Street, Tambaram West, Chennai-45 pending determination of the revision petition submitted by the petitioner under Sections 80(A) and 80-A(3) of the Tamilnadu Town and Country Planning Act dated 21.11.2017 with the 2nd respondent.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.T.N.Rajagopalan, SGP

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

Mr.T.N.Rajagopalan, learned Special Government Pleader accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The writ petition has been filed by the petitioner seeking to forbear the respondents from initiating any coercive

action of locking and sealing and demolition with regard to the building put up at No.301/23, Muthurangam Mudali Street, Tambaram West, Chennai-45 pending determination of the revision petition submitted by the petitioner under Sections 80(A) and 80-A(3) of the Tamilnadu Town and Country Planning Act dated 21.11.2017 with the 2nd respondent.

3. It stated by the petitioner that he is the owner of the subject property. He inherited the said property by way of a settlement executed by his father in the year 2016. According to the petitioner, during 2016 and 2017, he remodeled the entire building without disturbing the main structure and let out the subject property to a limited company to carry on retail business. While so, the first respondent issued a locking and sealing notice dated 27.9.2017 alleging certain deviations in the constructions. Further, on 23.12.2017, the officials of the first respondent threatened the petitioner and his tenant to discontinue the use and occupation of the premises. Immediately, the petitioner approached the second 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 dated 21.11.2017 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 second respondent to consider the revision and the stay petition filed by the petitioner dated 21.11.2017 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.

Sd/-
Vacation Officer

//True copy//

Sub Assistant Registrar

RS

To

1.The Commissioner,
Tambaram Municipality, Tambaram, Chennai.

2.The Secretary to Government of Tamil Nadu, Housing and Urban Development Department, Chennai-9.

+1cc to Mr.R.Mohan, Advocate SR.No.92595
+1cc to Special Government Pleader SR.No.92660

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WMP.No.37805 of 2017

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



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