

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.34069 of 2017 & WMP.No.37807 of 2017

1.D.Pandiarajan

2.N.Deepa Ram

...Petitioners

Vs

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

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

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

4.G.Andavar

...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 building at No.54, Ramanujam Street, Old Washermanpet, Chennai-21 in any manner particularly by way of locking and sealing and demolition of the same pending disposal of the petitioners' statutory appeal dated 21.12.2017 under Section 80A of the Town and Country Planning Act, 1971 by the first respondent.

For Petitioners : Mr.D.S.Rajasekaran
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. Heard both. In view of the limited nature of the relief this Court intends to grant, the writ petition itself is taken up for final disposal without ordering notice to the fourth respondent.

2. The writ petition has been filed by the petitioners seeking to forbear respondents 2 and 3 from in any way interfering with the petitioners' premises at building at No.54, Ramanujam Street, Old Washermanpet, Chennai-21 in any manner particularly by way of locking and sealing and demolition of the same pending disposal of the petitioners' statutory appeals dated 21.12.2017 under Section 80A of the Town and Country Planning Act, 1971 by the first respondent.

3. It stated by the petitioners that they are the lessees under the fourth respondent in respect of the ground floor and the first floor of the subject property. They entered into the lease agreement with the fourth in the year 2012 for a period of 11 years initially. While so, the third respondent issued a lock and seal notice to the fourth respondent, that too, with an incorrect door number. However, the fourth respondent did not care to protect the building. Again, the third respondent issued the deoccupation notice dated 18.12.2017 to the petitioners to deoccupy the premises. Immediately, the petitioners approached the first respondent by filing revision petitions under Section 80(A) of the Tamil Nadu town and Country Planning Act and stay petitions under Section 80(A)(3) of the Tamil Nadu Town and Country Planning Act on 21.12.2017 and the same are still pending. Apprehending that the official respondents would initiate coercive action, the petitioners have come forward with the above writ petition.

4. Considering the facts and circumstances of the case, we direct the first respondent to consider the revisions and the stay petitions filed by the petitioners on 21.12.2017 and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioners, within three months from the date of receipt of a copy of this order. Till the disposal of the revisions, no coercive steps shall be taken by the respondent authorities.

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

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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, 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.D.S.Rajasekaran, Advocate SR.No.92594

+1cc to Mr.A.Nagarajan, Advocate SR.No.92623

+1cc to Government Pleader SR.No.92668

WP.No.34069 of 2017 &
WMP.No.37807 of 2017

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



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