

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.23853/2017 & WMP.No.25080/2017

Mrs.S.Yasodha

Petitioner

Versus

- 1.The Secretary to Government
Housing and Urban Development
Department, Government of
Tamil Nadu, Secretariat
Chennai 600 009.
- 2.The Commissioner
Corporation of Chennai,
Rippon Buildings, Chennai 600 003.
- 3.The Executive Engineer
Corporation of Chennai
Chennai 600 100.
- 4.The Assistant Engineer
Zone XIV, Division 189,
Pallikaranai, Chennai 600 100.
- 5.The Assistant Executive Engineer
Zone XIV, Division 189,
Pallikaranai, Chennai 600 100.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2,3, 4 and 5 from initiating any coercive action of locking, sealing, demolishing and de-occupying the petitioner's building put up at No.69, Sengalaniamman Koil Street, Pallikaranai, Chennai-600 100, under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, till the disposal of the appeal petition submitted by the petitioner dated 24.08.2017 under section 80-A of the Town and Country Planning Act, 1971, before the 1st respondent, pending

disposal of the above writ petition.

For Petitioner : Mr.R.Narayanan
For R1 : Mr.P.Sanjay Gandhi, AGP
For RR2 to 5 : Mr.A.Nagarajan

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and Mr.A.Nagarajan, learned Standing Counsel accepts notice on behalf of the respondents 2 to 5.

2 The petitioner claims that she is the absolute owner of the property, viz., the land and superstructure, admeasuring to an extent of 3572 sq.ft., together with an existing building comprised in Survey No.598/5, situated at Survey No.598/5, Door No.69, Sengalaniamman Koil Street, Pallikaranai, Chennai 600 100, through a registered Settlement Deed bearing Doc.No.1228/2012 dated 15.02.2012 on the file of the District Registrar, Chennai South, and she has demolished the existing structure and started putting up a new structure for her personal use and occupation and to her shock and surprise, the petitioner was issued with a Locking and Sealing and Demolition Notice dated 06.07.2017 by the 3rd respondent followed by the De-Occupation Notice dated 07.08.2017 and challenging the said notices, she filed a special revision under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, along with a petition for stay under section 80-A[3] of the Act and though it was received and acknowledged on 24.08.2017, no orders have been passed either in the stay petition or in the main revision itself and in the interregnum, there is a threat of demolition and as such, she is constrained to approach this Court, by filing the present writ petition.

3 The learned counsel for the petitioner would submit that though the petitioner has prayed for a larger relief, it would be suffice to direct the 1st respondent to entertain the revision and to take up either the stay petition or the main revision itself and give a disposal in accordance with law as expeditiously as possible.

4 The Court heard the submissions of Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the 1st respondent and Mr.A.Nagarajan, learned Standing counsel appearing for the respondents 2 to 5.

5 In the light of the submissions made by the learned counsel for the petitioner, this Court, without going into the merits or demerits of the pending revision, directs the 1st respondent to entertain the special revision filed under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 by the petitioner, if the papers are otherwise in order and the said official is at option, either to take up the stay petition or the main revision petition itself and give a disposal on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The 3rd respondent, till the disposal of the petition for stay filed before the 1st respondent, shall defer further decision in terms of the Locking and Sealing and Demolition Notice dated 06.07.2017 and the De-Occupation Notice dated 07.08.2017 respectively.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Secretary to Government
Housing and Urban Development
Department, Government of
Tamil Nadu, Secretariat, Chennai 600 009.
- 2.The Commissioner Corporation of Chennai,
Rippon Buildings, Chennai 600 003.
- 3.The Executive Engineer
Corporation of Chennai, Chennai 600 100.

4.The Assistant Engineer
Zone XIV, Division 189,
Pallikaranai, Chennai 600 100.

5.The Assistant Executive Engineer
Zone XIV, Division 189,
Pallikaranai, Chennai 600 100.

+2 cc to M/s.R.Narayanan Advocate sr 63912
+1 cc to M/s.A.Nagarajan Advocate sr 64043
+1 cc to Government Pleader sr 64968

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