

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.25640/2017

T.Umamaheswari

Petitioner

Versus

1 The Secretary to Government
Housing & Urban Development
Department, Fort St George
Secretariat, Chennai 600 009.

2 The Executive Engineer,
Zone VI, Greater Chennai Corporation
Zonal Office VI, No.5, Anderson Road
Ayanavaram, Chennai 600 023.

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to dispose the petitioner's appeal and the stay petition filed under section 80A of the Tamil Nadu Town and Country Planning Act, as against the order of the 2nd respondent dated Nil, in Notice No.Z.O.6CNo/180/2017 served on the petitioner on 08.07.2017 within a time fixed by this Court.

For Petitioner : Mr.N.C.Ashokkumar

For R1 : Mr.A.N.Thambidurai, Spl.GP

For R2 : 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.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the 1st respondent and

Mr.A.Nagarajan, learned Standing counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner obtained a Planning Permission for putting up a commercial building consisting of Ground Floor and the residential portion in the first floor in respect of the premises bearing Door No.90, Paper Mill Road, Sembium, Chennai-11 and put up a construction. The 2nd respondent has issued a Locking and Sealing and Demolition Notice dated 30.06.2017, pointing out that the premises consisting of ground and first floors have been examined on 20.06.2017 and the following deviated constructions have been noted and it is relevant to extract the same:-

Sl.No.	Description	As per Plan	As per Site	Deviated
1	Front Set Back [North]	4.572 m	6.30 m	0.70 m
2	Side Set Back [East]	1.524 m	1.0 m	0.524 m
3	Side Set Back [West]	1.524 m	1.1 m	0.424 m
4	Rear Set Back [South]	4.572 m	0.70 m	3.872 m

3 The petitioner aggrieved by the said notice, filed a special revision under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and also prayed for stay pending disposal of the revision.

4 The learned counsel for the petitioner would submit that though the said revision petition was entertained on 28.07.2017, orders are yet to be passed either in the stay petition or in the main revision petition and on account of the said delay, the 2nd respondent is threatening to proceed further to demolish the offending construction and would further add that the deviation is only minimal in nature and it can be set right also.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by her, directs the 1st respondent to entertain the revision petition along with the petition for stay, if the papers are otherwise in order and the said official is at option either to take up the stay petition and give a disposal on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order or take up the main revision 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 and till the disposal of the petition for stay by the 1st respondent, the 2nd respondent shall defer further decision in terms of the impugned Locking and Sealing and Demolition Notice dated 30.06.2017.

7 The writ petition stands disposed of with the above direction. No costs.WMP.27031/17 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AP
To

- 1 The Secretary to Government
Housing & Urban Development
Department, Fort St George
Secretariat, Chennai 600 009.
- 2 The Executive Engineer,
Zone VI, Greater Chennai Corporation
Zonal Office VI, No.5, Anderson Road
Ayanavaram, Chennai 600 023.

+1cc to Mr.N.C.Ashok Kumar, Advocate, S.R.No.70399
+1cc to Mr.A.Nagarjan, Advocate, S.R.No.70429
+1cc to the Special Government Pleader, S.R.No.70670

सत्यमेव जयते

WP.No.25640/2017

MR(CO)
GN(06/10/2017)

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