

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.19477 of 2017
and WMP.No.21028 of 2017

K.V.Rathinam ... Petitioner
Vs.

1.The Principal Secretary to Government
State of Tamil Nadu
Municipal Administrative
and Water Supply Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner
Chennai Corporation,
Chennai - 600 003.

3.The Executive Engineer,
Zone-8, Chennai Corporation,
2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

4.The Assistant Executive Engineer,
Unit-21, Chennai Corporation,
2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

5.The Assistant Engineer,
Division 99, Chennai Corporation,
II Cross Street,
2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, to issue a writ of Mandamus directing the
first respondent to dispose the petitioner's revision dated
25.07.2017 within time stipulated by this Court.

For Petitioner : Mr.R.Subburaj
For Respondents : Mr.A.N.Thambidurai
Special Government Pleader [for R1]
Mr.V.C.Selvasekaran [for RR2 to 5]

O R D E R

[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 first respondent and Mr.V.C.Selvasekaran, learned counsel accepts notice on behalf of respondents 2 to 5.

2 The petitioner is issued with Locking and Sealing and Demolition Notice dated 29.06.2017 by the third respondent by invoking Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 as amended by Act 61 of 2008. It is relevant to extract the details of deviation :

Sl. No.	Description	As per Approved Plan	Unauthorised & Deviated Construction
1	FRONT SET BACK	6m	6m x 8.10m =48.6Sqm
2	SIDE SET BACK [WEST]	3.04m	3.04m x 15.24m =46.32Sqm
3	SIDE SET BACK [EAST]	4.50m	-
4	REAR SET BACK	1.52M	1.52m x 8.10m =12.21Sqm

3. The petitioner under the impugned notice was called upon to remove the unauthorised construction within 30 days from the date of receipt of the impugned notice, failing which action will be taken under Section 56, Sub-Section (2A) and 50 Clause (a) and (b) (i) and (ii) of the said Act. The petitioner aggrieved by the same, filed special revision under Section 80A r/w Section 113 (c) of the Town and Country Planning Act, 1971 before the first respondent and prays for dismissal of the impugned notice at an early date.

4. This Court, heard the rival submissions and perused the materials placed before it.

5. Taking into consideration the limited scope of prayer sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to entertain the special revision filed by the petitioner under Section 80(A) r/w Section 113 (c) of the Town and Country Planning Act, 1971,

if the papers are otherwise in order and thereafter, consider and dispose of the same 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. If the petitioner is of the view that he is entitled to invoke Section 113 (c) of the Town and Country Planning Act, 1971 and G.O.Ms.No.110 & 11 Housing and Urban Development [UD4(3)] Department, dated 22.06.2017, he is at liberty to do so in accordance with law.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ds

To:

- 1.The Principal Secretary to Government
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2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.
- + 1 cc to M/s. R. Subburaj, Advocate Sr.57024
+ 1 cc to Government Pleader Sr.57462

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AK(CO)

EU 22.08.17