

In the High Court of Judicature at Madras

Dated : 02.08.2017

Coram

The Honourable Mr. Justice R. SUBBIAH
and
The Hon'ble Mr. Justice A.D. JAGADISH CHANDIRA

W.P Nos.19843 of 2017
and
WMP Nos.21421 of 2017

D. Natarajan

... Petitioner

..vs..

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai -3
2. The Executive Engineer,
Corporation of Chennai,
Zone V
No.61, Basin Bridge Road,
Chennai - 21
3. Government of Tamil Nadu,
rep by its Secretary to Government,
Housing and Urban Development
Department,
Fort St. George, Chennai - 9

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition action with regard to the building put up at No.5/2, Singara Garden 7th Street, Old Washermenpet, Chennai-21 pending determination of Section 80-A Revision Petition dated 21.07.2017 with the Government.

For petitioner : Mr.R. Mohan
For R.1 & R.2 : Mr.R. Arunmozhi

For R.3 : Mr.A.N. Thambidurai
Special Government Pleader

ORDER

(Judgment of the Court was delivered by R. SUBBIAH, J.,)

The petitioner has filed the present writ petition seeking for an issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition action with regard to the building put up at No.5/2, Singara Garden 7th Street, Old Washermenpet, Chennai-21 pending determination of Section 80-A Revision Petition dated 21.07.2017 with the Government.

2. Mr.R. Arunmozhi, learned counsel takes notice for the respondents 1 and 2 and Mr.A.N. Thambidurai, learned Special Government Pleader takes notice for the third respondent.

3. In the affidavit, filed in support of the petition, it is stated that the petitioner, being the owner of No.5/2, Singara Garden 7th Street, Old Washermenpet, Chennai - 21 along with his brother D. Venkatesan, obtained planning permission for construction of new building, after demolishing the old building from Corporation of Chennai, in PPA No.7984/2005 dated 27.01.2006. After the construction was over in the year 2006, the petitioner used the building for his textile show room business. The building has been assessed to property tax from second half 2006-2007 by Corporation of Chennai and on account of additions and deviations. Suddenly, after 10 years of constructions, the petitioner was issued with locking and sealing and demolition notice by Corporation of Chennai under Sec.56 of Town and Country Planning Act dated 18.07.2017. Aggrieved against the said notice of locking and sealing, the petitioner submitted a special revision petition along with stay petition under Sec.80(A) of Town and Country Planning Act to the third respondent Government on 21.07.2017. Despite the pendency of the revision petition under Sec.80(A) of the Town and Country Planning Act, the officials of Corporation of Chennai come to the petitioner's premises and threaten to initiate locking and sealing and demolition action. Apprehending that the respondents may take coercive action pending disposal of the revision, the present writ petition is filed.

4. Considering the facts and circumstances of the case, we direct the third respondent to consider the revision filed by the petitioner on 21.07.2017 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 this disposal of the appeal no coercive steps shall be taken by the respondent authorities. All the contentions raised in this writ petition are left open to be urged by the petitioners before the appellate authority.

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

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

sr

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai -3
2. The Executive Engineer,
Corporation of Chennai,
Zone V
No.61, Basin Bridge Road,
Chennai - 21
3. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development
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+1 CC to Mr.R. Mohan, Advocate sr 55284.
+1 Cc to Mr.R. Arumozhi, Advocate sr 55377.

सत्यमेव जयते

W.P.No.19843 of 2017

GJII (CO)
sp(01/09/2017)

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