

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.05.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Writ Petition No.11720 of 2018

and

W.M.P.No.13689 of 2018

Ravanaiah

... Petitioner

vs.

1. State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.

3. The Executive Engineer,
Greater Chennai Corporation,
Zone- 06,
No.5, Anderson Road,
Ayyanavaram, Chennai - 23

4. The Assistant Executive Engineer, Unit-16,
Greater Chennai Corporation,
No.5, Anderson Road,
Ayyanavarm, Chennai - 23

5. The Assistant Engineer,
Greater Chennai Corporation,
Division -71,
Perambur High Road,
Chennai - 600 012.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus forbearing the respondents 2 to 5 for locking and sealing the premises 35/2, Jamalia Link Road, Perambur, Chennai - 12 in pursuant to impugned Notice dated 06.04.2018 in letter No.06/00103/2018 issued U/s. 57 read with Section 85 of Tamil Nadu Town and Country Planning Act 1971 on the file of the respondents 2 and 5 pending disposal of the petitioner's revision dated 20th April 2018 on the file of 1st respondent under Section 80 A of Tamil Nadu Town and Country Planning Act 1971 to annul and set aside the impugned notice issued by the respondents for removal of unauthorized construction.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.R.Udayakumar,
Additional Government Pleader

ORDER

(Order of the Court was delivered by V.BHARATHIDASAN.J.,)

The petitioner has come up with the present writ petition for a writ of Mandamus forbearing the respondents 2 to 5 for locking and sealing the premises 35/2, Jamalia Link Road, Perambur, Chennai - 12 in pursuant to impugned Notice dated 06.04.2018 in letter No.06/00103/2018 issued U/s. 57 read with Section 85 of Tamil Nadu Town and Country Planning Act 1971 on the file of the respondents 2 and 5 pending disposal of the petitioner's revision dated 20th April 2018 on the file of 1st respondent under Section 80 A of Tamil Nadu Town and Country Planning Act 1971 to annul and set aside the impugned notice issued by the respondents for removal of unauthorized construction.

2. According to the petitioner, challenging the notice dated 06.04.2018 in letter No.06/00103/2018, passed by respondents 2 and 5, the petitioner filed a revision before the first respondent under 80 A of the Tamilnadu Town and Country Planning Act 1971. Along with the said revision, the petitioner filed an application to stay the operation of the order passed by the respondents 2 and 5. Even though the stay application was filed along with the revision on 20.04.2018, so far no order has been passed and hence, the petitioner has come forward with the present petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. Considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the first respondent to consider the stay application dated 20.04.2018 after giving opportunity to the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

mrp

To

1. State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.
3. The Executive Engineer,
Greater Chennai Corporation,
Zone- 06,
No.5, Anderson Road,
Ayyanavaram, Chennai - 23
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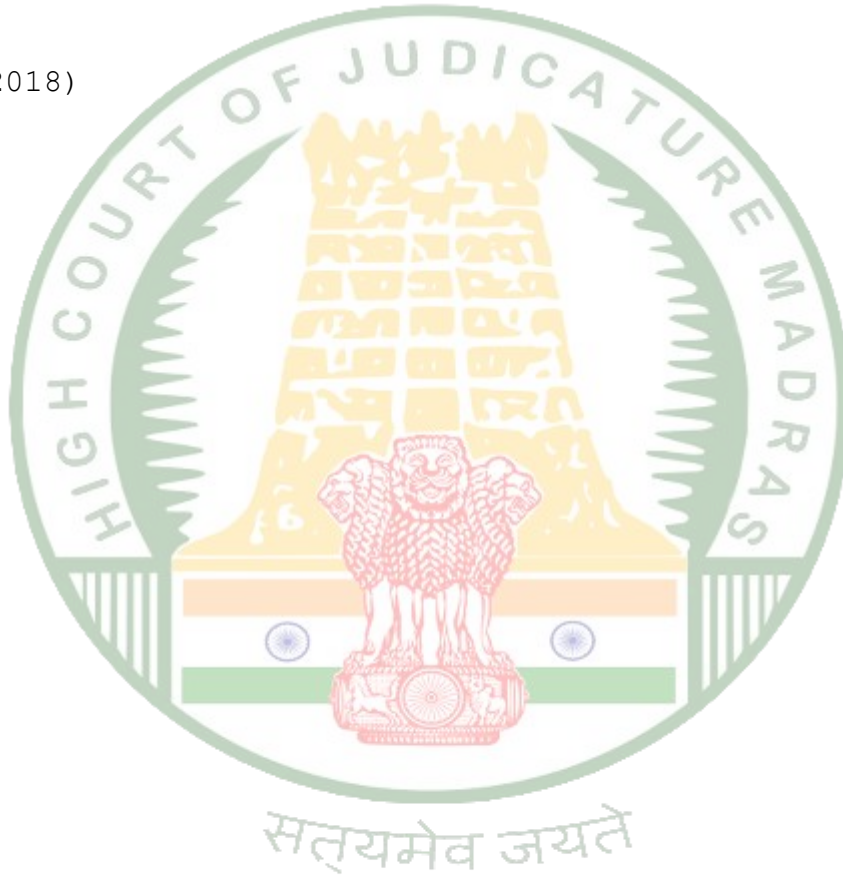
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5. The Assistant Engineer,
Greater Chennai Corporation,
Division -71,
Perambur High Road,
Chennai - 600 012.

+1cc to Mr.J.R.K.BHAVANANTHAM, Advocate, S.R.No. 32909
+1cc to the Government Pleader, S.R.No. 32982

W.P.No. 11720 of 2018

CA(CO)
TR(14/05/2018)



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