

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 09.05.2018

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THE HON'BLE MR.JUSTICE V. PARTHIBAN
and
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.12054 of 2018
and
WMP No.14067 of 2018

R. Kumar

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep by its Secretary,
Housing and Urban Development Department,
Secretariat, St. Fort George,
Chennai - 600 009
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Thalamuthu Natarajar Maligai,
Egmore, Chennai 600 008
3. The Special Officer,
Nedukunram Panchayat/
The Block Development Officer,
Kattankulathur Panchayat Union,
Kattankulathur, Kancheepuram District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents not to take any coercive action pursuant to the locking and sealing and Demolition Notice in Letter NO.1500/2017/B1 dated 20.04.2018 by the Third Respondent as against the building situated in Survey No.23/1A1A of Puthur Village, Kattankulathur Panchayat Union pending disposal of the appeal dated 30.04.2018 under Section 80A of Town and Country Planning Act 1947 along with a stay application on the file of the 1st Respondent.

For Petitioner :Mr.K.Chandrakumar for
Mr.K. Moorthy

For Respondents :Mr.E. Manoharan
Addl.Government Pleader

ORDER

(Order of the Court was made by V. PARTHIBAN,J.,)

The Petitioner has filed the Writ Petition seeking to issue a Writ of Mandamus to direct the respondents not to take any coercive action pursuant to the locking and sealing and Demolition Notice in Letter NO.1500/2017/B1 dated 20.04.2018 by the Third Respondent as against the building situated in Survey No.23/1A1A of Puthur Village, Kattankulathur Panchayat Union pending disposal of the appeal dated 30.04.2018 under Section 80A of Town and Country Planning Act 1947.

2. By consent of both sides, the main Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the Petitioner is that he is a builder and engaged in construction activities for the past ten years developing residential buildings. The land measuring 29 cents of dry land in Kancheepuram District was issued with patta bearing No.885 in the name of one Sasikala by the competent authorities. Subsequently, after obtaining permission dated 28.04.2017 from the competent authority, by paying necessary charges, the said dry lands were converted into housing sites of eight residential plots and all the eight plots were purchased by the Petitioner by way of two separate sale deeds. The Petitioner applied for construction in two blocks and the same has been granted by the Third Respondent in his Proceedings dated 23.06.2017. The Petitioner submitted that the Third Respondent has sent a Notice No.1500/2017/B1 dated 20.04.2018 for stoppage of construction work. Aggrieved over the same, the Petitioner has filed the present Writ Petition.

4. It is submitted by the learned counsel for the Petitioner that as against the Impugned Order, an appeal has been preferred under Section 80A of Town and Country Planning Act 1947 on 30.04.2018 and the apprehension of the Petitioner is that pending decision of the Appeal, any punitive action taken by the parties will cause irreparable injury.

5. Heard both sides and perused the materials available on record.

6. In view of the submission made by the learned counsel

for the Petitioner, this Court is of the considered view that the appellate authority shall dispose of the appeal, said to have been filed by the Petitioner, on or before 31.08.2018. In the meanwhile, there shall be an order of status-quo to be maintained by the parties as on date. The Petitioner shall not make any encumbrance or cause disturbance in the physical features of the property or shall not create any third party interest. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, St. Fort George,
Chennai - 600 009
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Thalamuthu Natarajar Maligai,
Egmore, Chennai 600 008
3. The Special Officer,
Nedukunram Panchayat/
The Block Development Officer,
Kattankulathur Panchayat Union,
Kattankulathur, Kancheepuram District

+2ccs to Mr.K.Moorthy, Advocate, S.R.No.33221

W.P.No.12054 of 2018

LRS (CO)

CS/21/05/18