

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.BASKARAN
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.12979 to 12983 of 2018
and
W.M.P.Nos.15243, 15244 and 15246 to 15248 of 2018

1. Saranya
2. Pushpalatha .. Petitioners in W.P.No.12979 of 2018

Y.Pondurai .. Petitioner in W.P.No.12980 of 2018

1. M.Asraf Ali
2. M.Ajmal Khan .. Petitioners in W.P.No.12981 of 2018

K.Raghu Kumar .. Petitioner in W.P.No.12982 of 2018

N.K.Raja .. Petitioner in W.P.No.12983 of 2018

Vs.

1. The Greater Corporation of Chennai,
Rep. by its Commissioner,
Ripon Building, Chennai-600 003.

2. The Executive Engineer, Zone XIII,
Greater Corporation of Chennai,
Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.

3. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.

.. Respondents in W.P.No.12979 of 2018

1. The State of Tamil Nadu,

Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-9.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

.. Respondents in W.P.No.12980 of 2018

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-9.
2. The Greater Chennai Corporation,
Rep. by its Commissioner,
Rippon Buildings, Chennai-600 003.
3. The Executive Engineer, Zone-V,
Greater Chennai Corporation,
61, Basin Bridge Road,
Chennai-600 021.

.. Respondents in W.P.Nos.12981 and 12982 of 2018

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.
2. The Avadi Municipality,
Rep. by its Commissioner,
Avadi, Chennai-600 054.

3. R.Jambulingam

.. Respondents in W.P.No.12983 of 2018

W.P.No.12979 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the first and second respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.40/71A, 4th Main Road, Gandhi Nagar, Adyar, Chennai-600 020 pending determination of the Revision Petition submitted by the petitioner under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, dated 14.05.2018 with the third respondent.

W.P.No.12980 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the second respondent from in any way interfering with the petitioner's premises situated at No.2, Park Road, comprised in S.No.65/1 of Padi Village, Padi, Chennai-50, more particularly by way of locking, sealing, demolition and de-occupation of the aforesaid premises, pending final determination of the petitioner's Special Revision Petition and stay petition, dated 22.05.2018 filed under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, with the first respondent.

W.P.No.12981 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the second and third respondents from in any way interfering with the petitioners' premises put up at No.10/28, Kumarappan Street, Seven Wells, George Town, Chennai-600 001, more particularly by way of locking, sealing and demolition of the same, pending final determination of the petitioners' Special Revision Petition and stay petition dated 22.03.2018 filed under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, with the first respondent.

W.P.No.12982 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the second and third respondents from in any way interfering with the petitioner's premises put up at No.23 (12), Arumugam Street, Kothavalchavadi, Sowcarpet, Chennai-600 001, more particularly by way of locking, sealing and demolition of the same, pending final determination of petitioner's Special Revision Petition and stay petition dated 10.11.2017 filed under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, with the first respondent.

W.P.No.12983 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the second respondent form in any way interfering with the building put up at Plot No.A1, Eshwar Apartment, Ramakrishna Nagar, Kovil Pathagai, Chennai-600 054 comprised in S.No.183/2 and 3, particularly by way of locking, sealing and demolition of the same, pending disposal of the petitioner's statutory appeal, dated 14.05.2018 filed under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971 with the first respondent.

For petitioner in
W.P.Nos.12979 to 12982 of 2018: Mr.L.Chandrakumar

For petitioner in
W.P.No.12983 of 2018 : Mr.A.Shanmugam

For respondents in
W.P.No.12979 of 2018 : Mr.S.Saravanan for RR-1 and 2
Mr.A.N.Thambidurai, Spl.G.P. for R-3

For respondents in
W.P.No.12980 of 2018 : Mr.A.N.Thambidurai, Spl.G.P. for R-1
Mr.K.Raja Shrinivas,
Standing Counsel for R-2

For respondents in
W.P.Nos.12981 and 12982/18:Mr.A.N.Thambidurai, Spl.G.P.for R-1
Mr.S.Saravanan,
Standing Counsel for R-2 & R-3

For respondents in
W.P.No.12983 of 2018 :Mr.A.N.Thambidurai, Spl.G.P.for R-1
Mr.P.Srinivas,
Standing Counsel for R-2

ORDER

(The Order of the Court was made by RMT.Teekaa Raman, J)

The Writ Petitions are filed by the owners of the subject properties, challenging the notices for locking/sealing/demolition/de-occupation, issued under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, with regard to certain deviations in construction.

2. It is represented by the learned counsel appearing for the petitioners that as against the said notices, an appeal/special revision petition had been preferred under Sections 80-A and 80-A(3) of the said Act and the same are pending.

3. Though an appeal/special revision petition had been preferred before the appellate/revisional authority, the petitioners have come before this Court seeking some relief in the meanwhile. In the circumstances of the case, the appellate/revisional authority is directed to consider the appeal/special revision petition said to have been filed by the petitioners under Sections 80-A and 80-A(3) of the said Act, as the case may be, on merits and in accordance with law and after

affording an opportunity of hearing to the petitioners, and dispose of the appeal/special revision petition within a period of three months from the date of receipt of a copy of this order or on production of a copy of this order, whichever is earlier. However, in the meanwhile, there shall be a direction to maintain status-quo as on today by the parties. The petitioners also shall not create any encumbrance or third party rights over the properties in question till then.

4. With the above observations and directions, the Writ Petitions are disposed of. No costs. Consequently, W.M.Ps. are closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

cs

To

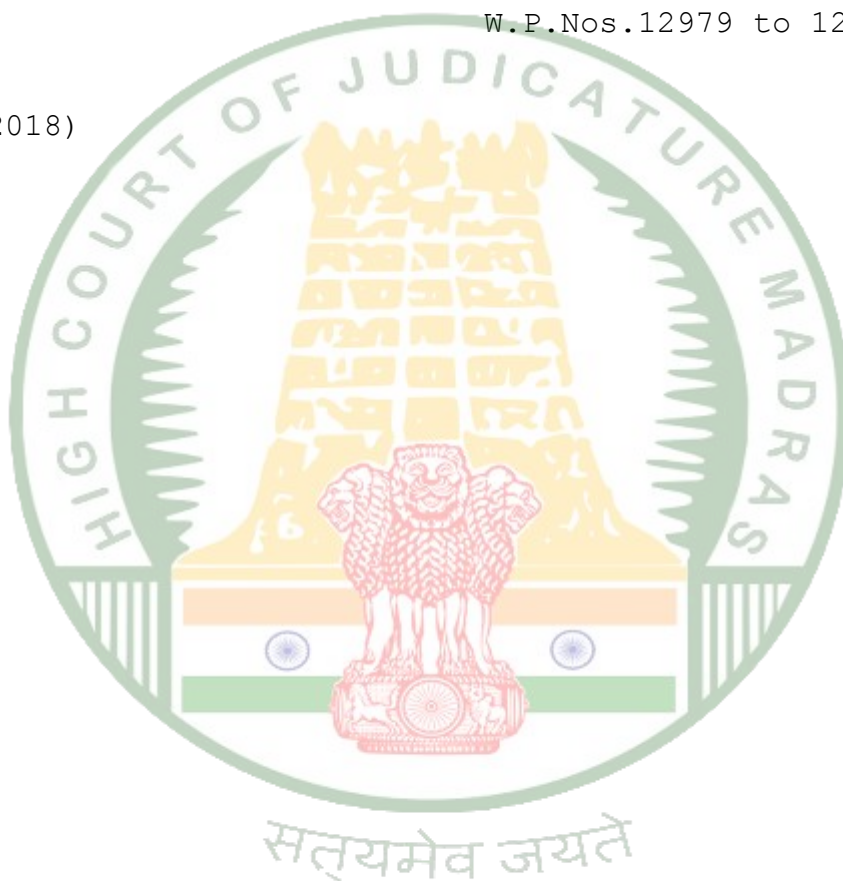
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5. The Executive Engineer, Zone-V,
Greater Chennai Corporation,
61, Basin Bridge Road,
Chennai-600 021.

6. The Avadi Municipality,
Rep. by its Commissioner,
Avadi, Chennai-600 054.

+1cc to the Government Pleader, S.R.No.34255
+1cc to Mr.A.SHANMUGAM, Advocate, S.R.No.34216
+1cc to Mr.S.SARAVANAN, Advocate, S.R.No.39422
+2cc to Mr.S.SARAVANAN, Advocate, S.R.No.34420
+1cc to Mr.K.RAJA SRINIVAS, Advocate, S.R.No.34224
+4cc to Mr.L.CHANDRA KUMAR, Advocate, S.R.No. 34217 to 34220

W.P.Nos.12979 to 12983 of 2018

RJI (CO)
TR(05/06/2018)



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