

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R. SUBBIAH  
AND  
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1369 of 2018

&

W.M.P. No. 1740 of 2018

S. Poornachandra Rao ..Petitioner

Vs.

1. The Corporation of Chennai  
rep. by its Commissioner,  
Ripon Building,  
Chennai - 600 003.
2. The Executive Engineer,  
Zone V,  
Corporation of Chennai,  
No.61, Basin Bridge Road,  
Chennai - 600 021.
3. The Government of Tamil Nadu,  
rep. by its Secretary to Government,  
Housing and Urban Development  
Department,  
Fort St. George,  
Chennai - 600 009. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the 1<sup>st</sup> and 2<sup>nd</sup> 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 New No.90, Old No.83, Thaiyappa Mudali Street, Seven Wells, Chennai -1 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 09.01.2018 with the 3<sup>rd</sup> respondent.

For Petitioner :: Mr.R. Mohan

For Respondents:: Mr.A. Nagarajan,  
Standing Counsel for R1 and R2  
Mr.A.N. Thambidurai,  
Special Govt. Pleader for R3

O R D E R  
(Order of the Court was made by R. SUBBIAH, J.)

Mr.A. Nagarajan, learned Standing Counsel takes notice for respondents 1 and 2 and Mr.A.N. Thambidurai, learned Special Government Pleader takes notice for the 3<sup>rd</sup> respondent.

2. The present writ petition has been filed seeking issuance of a Writ of Mandamus forbearing the 1<sup>st</sup> and 2<sup>nd</sup> 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 New No.90, Old No.83, Thaiyappa Mudali Street, Seven Wells, Chennai -1 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 09.01.2018 with the 3<sup>rd</sup> respondent.

3. It is the case of the petitioner that he is the owner of the subject property, having purchased the same in the year 2009 under a registered sale deed from one Krishnaveniammal and others. The property was originally forming part of Old Door Nos. 83 & 84, Thaiyappa Mudali Street, Seven Wells, Chennai -1, comprised in R.S. No.1962. After the said purchase, the contiguous properties were sub-divided and after demolishing the old building, new residential building was put up thereon. Sub-Division Approval and Planning Permission were obtained from Corporation of Chennai vide proceedings dated 05.06.2009 and 30.08.2010 respectively and the building consisting of ground + 2floors and terrace, which comes within the category of ordinary building was constructed. According to the petitioner, any variations and additions are permissible under Development Regulations and could be regularised by the planning authorities as well as the 3<sup>rd</sup> respondent herein. That being so, after seven years of constructions, the Corporation of Chennai has issued a locking and sealing notice dated 20.04.2015 calling upon the petitioner to de-occupy the building, which according to the petitioner is violative of principles of natural justice and contrary to the provisions of Town and Country Planning Act. Aggrieved by the said notice, the petitioner preferred a Special Revision Petition as well as stay petition under Section 80-A and 80-A(3) of Town and Country Planning Act to the 3<sup>rd</sup> respondent Government on 09.01.2018 and the same is pending. That being so, apprehending coercive action at the hands of respondents 1 and 2, during the pendency of the Special Revision Petition, the petitioner has come forward with the present writ petition.

4. Learned counsel for the petitioner has brought to the notice of this Court the order dated 04.08.2017 passed by a Division Bench of this Court in W.P. No. 20854 of 2017, in

similar circumstances and submitted that following the same, similar orders could be passed in this writ petition as well.

5. Considering the facts and circumstances of the case, the 3<sup>rd</sup> respondent is directed to consider the Special Revision Petition and stay petition filed by the petitioner on 09.01.2018 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as to any other necessary parties concerned with the issue, on or before 31.03.2018. Till the disposal of the Special Revision Petition, no coercive steps shall be taken by respondents 1 and 2. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

s/d-  
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

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

+1 CC to Mr.R. Mohan, Advocatesr 4916.  
+1 CC to The Govt. Pleader sr 5575.  
+1 CC to Mr.A. Nagarajan, Advocate sr 5604.

W.P. No. 1369 of 2018

SP(19/02/2018)