

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.2892 of 2020
and
W.M.P.No.3346 of 2020

Mrs.Umarani Srinivasan,
Rep. by Power Agent Mr.P.J.Jayachandran ... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.
2. Greater Chennai Corporation,
Rep. by its Commissioner,
Rippon Building,
Chennai-600 003.
3. The Executive Engineer,
Greater Chennai Corporation,
Zonal Office-VIII,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai-600 034. .. Respondents

Writ Petition 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 property situated at Old No.4B, New No.7, Noor Veersamy Street, Nungambakkam, Chennai-600 034, particularly by way of locking and sealing and demolition, pending final determination of the petitioner's statutory special revision petition and stay petition, dated 18.12.2019 with the first respondent under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act.

For petitioner : Mr.S.Balaji
For respondents : Mr.K.S.Suresh, Govt. Advocate for R-1
Mr.K.Raja Shrinivas for RR-2 & 3

ORDER

(The Order of the Court was made by R.Subbiah, J)

The petitioner, represented by her Power Agent, has filed the present Writ Petition praying for issuance of a Writ of Mandamus to forbear the second and third respondents from in any way interfering with the petitioner's property situated at Old No.4B, New No.7, Noor Veersamy Street, Nungambakkam, Chennai-600 034, particularly by way of locking and sealing and demolition, pending final determination of the petitioner's statutory special revision petition and stay petition, dated 18.12.2019 with the first respondent under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act.

2. It is the case of the petitioner that she is the owner of the said property. She had applied and obtained sanction for construction of ground and first floors from the second and third respondents and had accordingly constructed, completed and occupied the same and the property was also assessed for property tax by the third respondent. The petitioner is regularly paying the same and there is no default as on date. She had also obtained water and sewerage connection and Electricity Board Service Connection to the subject property. The said premises were occupied by various tenants including the petitioner. While so, the third respondent issued a notice calling for approval plan, and on receipt of the same, the same was furnished to the second respondent. Despite the same, the third respondent proceeded to issue locking and sealing and demolition notice, dated 28.11.2019 alleging the entire construction as deviation and called upon the petitioner to remove the same within a period of 30 days from the date of receipt of the notice. Challenging the same, the petitioner preferred a statutory revision petition before the first respondent under Section 80-A of the said Act, along with a stay petition under Section 80-A(3) therein, and the same are pending as on today. In spite of the same, the third respondent is determining to enforce the notice. Hence, the present Writ Petition is filed for the relief stated supra.

3. When the Writ Petition is taken up for consideration, the learned counsel on both sides made submissions and the learned counsel for the petitioner prayed for a direction to the first respondent to dispose of the said appeal.

4. In view of the above submission, this Court passes the following order:

The first respondent is directed to dispose of the said special revision petition under Section 80-A of the said Act, on

merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. Till such time the said special revision petition is disposed of, the parties shall maintain status-quo as on today.

5. With the above observations and direction, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

cs
To

1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai-600 003.

3. The Executive Engineer,
Greater Chennai Corporation,
Zonal Office-VIII,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai-600 034.

+1cc to Mr.D.S.Rajasekaran , Advocate SR.No. 9403

W.P.No.2892 of 2020

A.SK(05/03/2020)

सत्यमेव जयते

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