

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

CORAM

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

Writ Petition No.3007 of 2020
and

W.M.P.No.3506 of 2020

A.Sebastin
S/o.Arokkiam

... Petitioner

Vs

- 1.The Corporation of Chennai,
represented by its Commissioner,
Ripon Building, Chennai - 600003.
- 2.The Executive Engineer - II,
Zone 13, Corporation of Chennai,
Adyar, Dr.Muthukrishnan Salai,
Chennai - 600020.
- 3.The Government of Tamil Nadu,
represented by its
Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai - 600009. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing respondents 1 and 2 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.16 (Old No.4), Link Road, Secretariat Colony Main Road, Adambakkam, Cehnnai - 600088, pending determination of the revision petition submitted by petitioner u/s.80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 13.01.2020 with the third respondent.

For Petitioner : Mr.R.Mohan
For Respondents : Mr.K.Raja Shrinivas [R2 & R2]
Mr.V.Shanmuga Sundar
Special Government Pleader [R3]

O R D E R
[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus forbearing respondents 1 and 2 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.16 (Old No.4), Link Road, Secretariat Colony Main Road, Adambakkam, Cehnnai - 600088, pending determination of the revision petition submitted by petitioner u/s.80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 13.01.2020 with the third respondent.

2. Heard learned counsel for petitioner, learned standing counsel appearing for respondents 1 and 2 and learned Special Government Pleader appearing for third respondent.

3. Though very many contentions have been raised, learned counsel for petitioner submits that pursuant to issuance of locking and sealing notice dated 09.01.2020 in respect of building at No.16, Link Road, Secretariat Colony, Adambakkam, Chennai - 88, the officials of respondents 1 and 2 are initiating coercive action to execute the same. As against the notice dated 09.01.2020, petitioner has preferred a special revision under section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 13.01.2020, before the third respondent. Therefore, a direction may be issued to respondents 1 and 2 not to take any coercive action till the disposal of the special revision and to third respondent to dispose of the special revision.

4. Considering the said submission, this Court directs the third respondent to dispose of the special revision filed by petitioner within a period of eight weeks from the date of receipt of this order, after affording an opportunity of personal hearing to the petitioner as well as to necessary parties. Status quo, as on date, shall be maintained, by both parties, till the disposal of special revision by third respondent.

The Writ Petition is disposed of with the above direction.
No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

gm

To

- 1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600003.
- 2.The Executive Engineer - II,
Zone 13, Corporation of Chennai,
Adyar, Dr.Muthukrishnan Salai,
Chennai - 600020.
- 3.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai - 600009.

+1cc to Mr.R.Mohan, Advocate, SR.No.9955.
+1cc to Government Pleader, SR.No.10846.

RK(CO)
CSR: 16.03.2020

Writ Petition No.3007 of 2020

सत्यमेव जयते

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