

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

and

THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.13150 of 2020

and

W.M.P.No.16275 of 2020

Piramu

... Petitioner

Vs.

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-XI,
Greater Chennai Corporation,
No.33, Arcot Road, Valasaravakkam,
Chennai-600 087

....Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of mandamus forbearing the 2nd and 3rd
respondents from in any way interfering with the petitioner's
premises at Plot No.19, Door No.3/8, Anish Nagar, 2nd Street,
Ramapuram, Chennai-89, more particularly by way of locking,
sealing and demolition of the same, pending final determination
of the petitioner's Special Revision Petition and stay petition
dated 04.09.2020 filed under Section 80(A) and 80-A(3) of the
Tamil Nadu Town and Country Planning Act with the 1st respondent.

For Petitioner .. Mr.L.Chandrakumar

For Respondents .. Mr.R.Vijayakumar,
Addl. Govt. Pleaderfor R1
Mr.K.Raja Srinivas for R2 and R3

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed seeking a writ of mandamus
forbearing respondents 2 and 3 from interfering with the
petitioner's premises at Plot No.19, Door No.3/8, Anish Nagar,

2nd Street, Ramapuram, Chennai-89, more particularly by way of locking, sealing and demolition of the same, pending final determination of the petitioner's Special Revision Petition and stay petition dated 04.09.2020 filed under Section 80(A) and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the first respondent.

2. Though a larger prayer has been sought for, learned counsel appearing for the petitioner submitted that the petitioner would give a revised plan within one week from the date of receipt of a copy of this order. Upon satisfying such compliance, respondents 2 and 3/Corporation will have to consider the same and thereafter approve it.

3. Mr. K. Raja Srinivas, learned counsel appearing for respondents 2 and 3 submits that this is the second round of litigation and therefore there is nothing to adjudicate in the application filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971. However, if the revised plan is submitted by duly removing the offending portions, then the same will be considered.

4. Considering the above, we permit the petitioner to make an application by way of submitting a revised plan and seek approval, after removing the unauthorised construction and bringing it in conformity with the revised plan, which is to be filed in accordance with the Rules. The aforesaid compliance will have to be made by the petitioner within a period of four months from the date of receipt of a copy of this order. After undertaking the said exercise, the petitioner will have to give due intimation to respondents 2 and 3 within a further period of two weeks thereafter. On receipt of the same, the third respondent shall make an inspection and thereafter consider the revised plan submitted by the petitioner and pass necessary orders on the same within a further period of six weeks thereafter. We make it clear that if our order is not complied with, the respondents shall proceed and take appropriate action.

5. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

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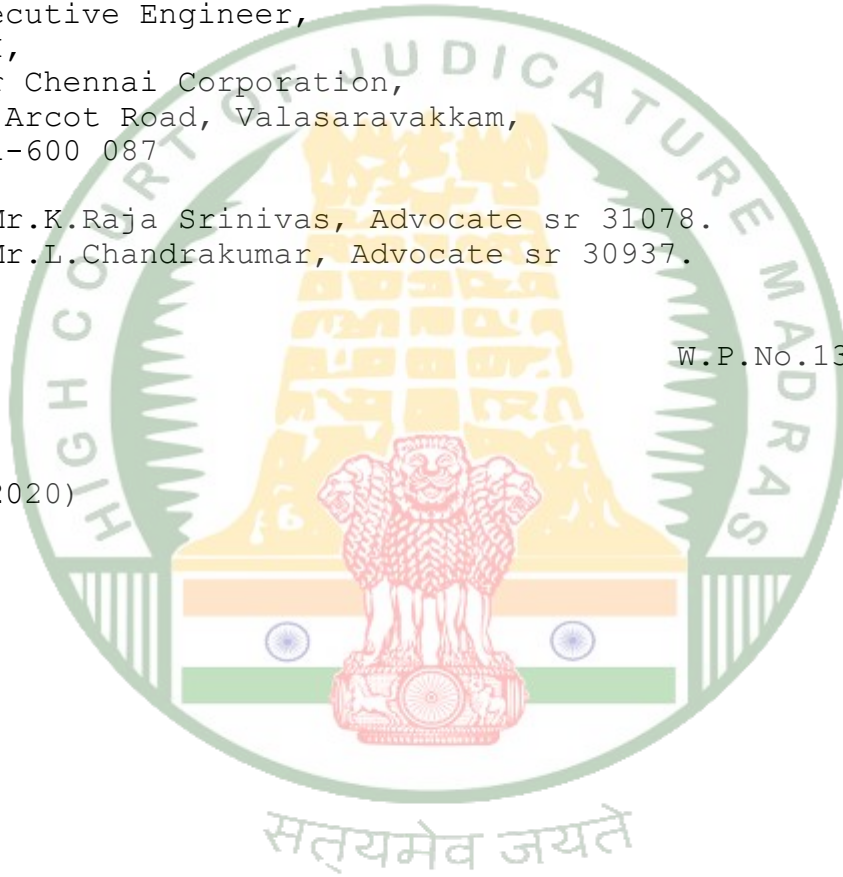
Sub-Assistant Registrar

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-9.
 2. The Commissioner,
The Greater Chennai Corporation,
Rippon Buildings, Chennai-600 003
 3. The Executive Engineer,
Zone-XI,
Greater Chennai Corporation,
No.33, Arcot Road, Valasaravakkam,
Chennai-600 087
- +1 CC to Mr.K.Raja Srinivas, Advocate sr 31078.
+1 CC to Mr.L.Chandrakumar, Advocate sr 30937.

W.P.No.13150 of 2020

VSNI I (CO)
SP (15/10/2020)



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