

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.13674 of 2020
& W.M.P.No. 16999 of 2020

Mrs.Narmada Kothandan,
Rep. by her Power of Attorney Agent,
Mr.R.Kothandan,
No.56, Vaikundapuram 2nd Street,
Nungambakkam,
Chennai - 600 034. .. Petitioner

Vs

1. The Secretary (Review Authority),
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
EVR Periar Salai, Rippon Buildings,
Chennai - 600 003.
3. The Executive Engineer,
Greater Chennai Corporation,
Zone 11, Arcot Road,
Valasaravakkam, Chennai - 600 087.
4. The Assistant Executive Engineer,
Greater Chennai Corporation,
Zone 11, Arcot Road,
Valasaravakkam, Chennai - 600 087.
5. The Assistant Engineer,
Greater Chennai Corporation,
Ward No.155, Zone 11, Unit 34,
Bajanai Koil Street,
Ramapuram, Chennai - 600 089.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the

respondents 2 to 5 from in any manner demolishing or sealing the building pursuant to the notice dated 26.08.2020 under Section 57 r/w Section 85 of the Tamil Nadu Town and Country Planning Act as amended by Act 61 of 2008 in letter No.11/00015/2020 of the respondents 3 to 5 herein pending before the first respondent herein.

For Petitioner .. Mr.AL.Ganthimathi
For Respondents .. Mr.G.Rajesh,
Government Advocate for R1
Mr.Raja Srinivas for R2 to R4

ORDER

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

The petitioner, who is the auction purchaser, pursuant to the sale conducted under the SARFAESI Act, 2002, seeks a direction forbearing the respondents 2 to 5 from demolishing or sealing the building pursuant to the notice issued under Section 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971, during the pendency of the Appeal/Revision invoking Section 80-A of the Act.

2.Upon going through the records, it appears that the petitioner has filed an appeal on 10.09.2020 before the first respondent. Action is said to have been initiated pursuant to the complaint made by the erstwhile owner of the property from whom the possession was taken by invoking Section 13(4) of the Act and sale certificate was issued in favour of the petitioner by the Bank being the secured creditor.

3.Considering the above, particularly, the fact that the petitioner's Appeal/Revision invoking Section 80-A of the Act is pending consideration, we direct the respondents to maintain status quo till its disposal. We further direct the first respondent to dispose of the appeal dated 10.09.2020 filed by the petitioner within a period of three months from the date of receipt of a copy of this order.

4. The writ petition stands disposed of accordingly. No costs. Consequently, miscellaneous petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa

- 1.The Secretary (Review Authority),
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
EVR Periar Salai, Rippon Buildings,
Chennai - 600 003.
- 3.The Executive Engineer,
Greater Chennai Corporation,
Zone 11, Arcot Road,
Valasaravakkam,
Chennai - 600 087.
- 4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Zone 11, Arcot Road,
Valasaravakkam,
Chennai - 600 087.
- 5.The Assistant Engineer,
Greater Chennai Corporation,
Ward No.155, Zone 11, Unit 34,
Bajanai Koil Street,
Ramapuram, Chennai - 600 089.

+1cc to M/s.AL.Gandhimathi, Advocate, sr no.31524

W.P.No.13674 of 2020

RSV(CO)
RMP(02/11/2020)

सत्यमेव जयते

WEB COPY