



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.19678 of 2021
and
W.M.P.No.20964 of 2021

A.Mohan

...Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 001.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the 2nd respondent from in any way interfering with the petitioner's building put up at Door No.159, Anna Pillai Street, Old No.56, New No.114, Archariappan Street, Sowcarpet, George Town, Chennai - 600 001 more particularly by way of locking, sealing and demolition of the same, pending final determination of petitioner's Special Revision Petition and stay petition dated 06.09.2021 filed under Section 80(A) and 80A(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

For petitioner : Mr.L.Chandrakumar
For respondents : Mr.T.N.C.Kaushik
Government counsel (for R1)

: Mr.P.S.Ganesan (for 2)

ORDER

Mr.T.N.C.Kaushik, learned Government Counsel takes notice for the first respondent and Mr.P.S.Ganesan, learned Standing Counsel takes notice for the second respondent. By consent,



this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of a Writ of Mandamus forbearing the 2nd respondent from in any way interfering with the petitioner's building put up at Door No.159, Anna Pillai Street, Old No.56, New No.114, Archariappan Street, Sowcarpet, George Town, Chennai - 600 001, more particularly, by way of locking, sealing and demolition of the same, pending final determination of petitioner's Special Revision Petition and stay petition dated 06.09.2021 filed under Section 80(A) and 80A(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

3.The petitioner would state that he has constructed the building in dispute after obtaining planning permission in the year 2002. However, after lapse of 19 years, lock and seal notice has been issued by the second respondent. Aggrieved over the same, he preferred a Special Revision Petition before the first respondent on 06.09.2021. In the meanwhile, the respondents are trying to enforce the order.

4.The learned counsel appearing for the petitioner would state that though the petitioner has prayed for a direction to the second respondent from taking any action against the petitioner, he would be satisfied, if a direction is issued to the first respondent to dispose of the Special Revision Petition dated 06.09.2021 within a time frame.

5.The learned Government Counsel appearing for the first respondent would state that the first respondent is ready to dispose the Special Revision Petition of the petitioner in accordance with law.

6.In the light of the above submissions of the learned counsel appearing on side, this Court, without going into the merits of the matter, directs the first respondent to dispose the Special Revision Petition preferred by the petitioner dated 06.09.2021 within a period of four months from the date of receipt of a copy of this order. Till then, no coercive steps shall be taken.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



skn

To

1. The Secretary
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 001.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.47354
+1cc to the Government Pleader, S.R.No.47838

W.P.No.19678 of 2021
and
W.M.P.No.20964 of 2021

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NSK 27/09/2021