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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.10.2021

CORAM:

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

W.P. No.22430 of 2021
and WMP.No.23677 of 2021

A.D.Janardhan

.. Petitioner

Versus

1. The State of Tamilnadu,
Rep. By its Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai 600 009.
2. The Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building,
Chennai 600 003.
3. The Executive Engineer,
Zone-V, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai 600 021.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, forbearing the respondents 2 & 3 from in any way interfering with the petitioner's building put up at New No.16, Old No.35, Srinivasa Iyer Street, Chennai 600001 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 27.09.2021 filed under Section 80(A) and 80-(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

For petitioner : Mr.L.Chandrakumar

For respondent

for R1 : Mrs.Akila Rajendran
for RR2 & 3 : Mr.K.Raja Shrinivas



ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

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The Writ Petition is heard through video conferencing.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from in anyway interfering with the petitioner's building put up at New No.16, Old No.35, Srinivasa Iyer Street, Chennai.

3. The petitioner would claim that he purchased a property bearing New No.16, Old No.35, Srinivasa Iyer Street, Chennai through a registered sale deed dated 23.08.2018. On the date of purchase, a house and vacant land was in existence. He would further state that since the building was in a dilapidated condition, he decided to demolish the existing building and construct a new building. Hence, he applied and obtained demolition and reconstruction plan and also building permit from the Greater Chennai Corporation on 07.06.2019. Thereafter, he constructed a residential building in accordance with the approved plan.

4. The petitioner would state that the third respondent had issued a show cause notice calling for approved plan from the petitioner on 07.02.2020 and he produced the same with relevant documents. In spite of the same, the third respondent issued a lock and seal notice on 24.09.2020 followed by a de-occupation notice on 10.10.2020. Aggrieved over the same, the petitioner preferred a special revision before the first respondent on 27.09.2021.

5. The learned counsel for the petitioner Mr.L.Chandrakumar would state that though the special revision preferred by the petitioner is pending before the first respondent, the respondents 2 and 3 are attempting to seal the premises. He would further add that it would suffice if a suitable direction is issued to the first respondent to pass orders on the special revision preferred by the petitioner.

6. The learned Senior Standing Counsel appearing for the respondents 2 and 3 Mr.K.Raja Shrinivas would state that there is no illegality in the order passed by the respondents 2 and 3.

7. The learned Government Advocate appearing for the first respondent Mrs.Akila Rajendran would state that the first respondent is ready to pass orders on the special revision preferred by the petitioner in accordance with law.



8. In the light of the facts of the case and the submissions of the learned counsels appearing for the parties, this Court, without going in to the merits of the case, directs the first respondent to dispose of the special revision preferred by the petitioner dated 27.09.2021 within a period of four months from the date of receipt of a copy of this order after affording ample opportunity to the petitioner. Till then, no coercive steps shall be taken by the respondents.

9. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs

To

- 1.The Secretary to Government,
The State of Tamilnadu,
Housing & Urban Development Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.
3. The Executive Engineer,
Zone-V, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai 600 021.

+1 cc to Mr.L.Chandarkumar, Advocate Sr.NO.54051
+1 cc to Mr.K.Raja Shrinivas, Advocate Sr.NO.54218

+1 cc to Government Pleader Sr.NO. 54645

W.P. No.22430 of 2021

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A.SK(26.10.2021)