



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

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

W.P.No.26571 of 2021
and
W.M.P.No.28023 of 2021

Ganapathi Leather Products (P) Ltd.,
Rep. by its General Manager,
N.S.Kannan
having office at
No.9, Wellington Estate 2nd Floor,
No.53, Commandar in Chie Road,
Egmore, Chennai - 600 008

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.1, Gandhi Irwyn 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 directing the second respondent to forbear them from in anyway interfering with the petitioner's building situated at Block No.6, 3, GST Road, Kilambakkam, Vandalur, Chennai - 600 045 comprised in S.No.145/1, 2 and 145/15 of Kilambakkam village, Kattankolathur Panchayat Union, Vandalur, Chennai - 48 particularly by way of locking and sealing and or demolition of the same, pending final determaination of the petitioner's special revision petition dated 02.12.2021 filed under Section 80(A) and 80(A)(3) of the Town and country Planning Act, 1971 with the first respondent.



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For Petitioner : Mr.D.S.Rajasekar for
Mr.Vembadiyan

For Respondents: Mr.M.Alagu Goutham
Govt. Advocate (for R1)

Mrs.C.Sumathy Sreekanth
Standing Counsel (for R2)

ORDER

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

Mr.M.Alagu Goutham, learned Government Advocate takes notice for the first respondent and Mr.C.Sumathy Sreekanth, learned Standing Counsel takes notice for the second respondent. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus forbearing the second respondent from in anyway interfering with the petitioner's building situated at Block No.6, 3, GST Road, Kilambakkam, Vandalur, Chennai.

3.The learned counsel appearing for the petitioner Mr.D.S.Rajasekar would state that the petitioner is the absolute owner of the property in Block No.6, 3, GST Road, Kilambakkam, Vandalur and he constructed a building in the year 2006 with an approval of the second respondent, however, a notice under Sections 56 and 57 r/w 85 of the Tamil Nadu Town and Country Planning Act was issued. He further added that the petitioner has preferred special revision under Section 80-A of the Act to the first respondent on 02.12.2021, but in the meanwhile, the second respondent has attempted into interfering with the petitioner's building. Hence, the present writ petition.

4.The learned counsel for the petitioner further submits that it would suffice, if a direction is issued to the first respondent to dispose of the special revision/appeal preferred by the petitioner dated 02.12.2021.

5.Mr.M.Alagu Goutham, learned Government Advocate appearing for the first respondent would state that the first respondent is ready to consider the petitioner's appeal and pass orders in accordance with law.

6.We have heard Mrs.C.Sumathy Sreekanth, learned Standing Counsel appearing for the second respondent.



7. Considering the facts and circumstances of the case and the submission of the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to pass orders on the appeal preferred by the petitioner under Section 80-A of the Act, dated 02.12.2021, on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner, within a period of six months from the date of receipt of a copy of this order. Till then, no coercive steps shall be taken.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwyan Road,
Egmore, Chennai - 600 008.

+1cc to Mr.M.Vembudayan, Advocate, S.R.No.66807

+1cc to the Government Pleader, S.R.No.67105, 67455

W.P.No.26571 of 2021
and
W.M.P.No.28023 of 2021

PMK (CO)
RGA (27/12/2021)