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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.01.2022

CORAM:

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

W.P. No.1152 of 2022
and
WMP.No.1219 of 2022

Sai Divya

..Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600 003.
3. The Executive Engineer,
Zone-IX, Greater Chennai Corporation,
No.8, Lake Area 4th Cross Street,
Nungambakkam,
Chennai 600034.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, forbearing the respondents 2 and 3 from in any way interfering with the petitioner's premises at Old No.52, New No.66, Basha Sahib Street, Choolaimedu, Chennai 600 094 more particularly by way of locking, sealing and demolition of the same, pending final determination of petitioner's Special Revision and Stay petition dated 06.01.2022 filed under Section 80(A) and 80-A93) of the Tamil Nadu Town and Country Planning Act with the first respondent.

For petitioner : Mr.P.Ramanathan

For respondents

for R1 : Mr.V.P.R.Elamparithi
for RR2 & 3 : Mr.K.Raja Shrinivas



ORDER

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

The Writ Petition is heard through video conferencing.

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2. Heard Mr.P.Ramanathan, learned counsel for the petitioner, Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing for the first respondent and Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 2 and 3.

3.The petitioner has come up with this Writ Petition for issuance of Writ of Mandamus, forbearing the respondents 2 and 3 from in any way interfering with the petitioner's premises at Old No.52, New No.66, Basha Sahib Street, Choolaimedu, Chennai 600 094.

4.It is the case of the petitioner that he is the absolute owner of the subject property. He would further claim that he had obtained planning permit and building permission in the year 2013 for construction of stilt plus 2 floors of residential building, but he constructed 3 floors for requirement of the family members.

5.The learned counsel appearing for the petitioner would state that the second respondent issued a Locking & Sealing and Demolition Notice under Section 56 of the Tamil Nadu Town and Country Planning Act. Aggrieved over the same, the petitioner preferred a special revision before the first respondent under Section 80-A of the Act. Though the appeal is pending, the respondents 2 and 3 are attempting to interfere with the enjoyment of the petitioner. It is also stated that in similar circumstances, this Court has granted interim relief to the petitioner in W.P.No.23716 & 23721 of 2021.

6.The learned Additional Government Pleader appearing for the first respondent would state that the special revision preferred by the petitioner is pending for consideration before the first respondent and he is ready to pass orders in accordance with law.

7.Considering the submissions of the learned counsels appearing on either side, this Court, without going into the merits of the matter, directs the first respondent to dispose of the special revision filed by the petitioner dated 06.01.2022, within a period of six months, after providing an opportunity of personal hearing to the petitioner, on merits and in accordance with law. Till then, no coercive steps shall be taken by the respondents.



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

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary,
The State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600 003.
3. The Executive Engineer,
Zone-IX, Greater Chennai Corporation,
No.8, Lake Area 4th Cross Street,
Nungambakkam,
Chennai 600034.

+1cc to Mr.P.Ramanathan, Advocate, S.R.No.5422

W.P. No.1152 of 2022

NRL (CO)
RGA (09/02/2022)