

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.11196 of 2015

S. Elumalai

Petitioner

Vs.

- 1 The Secretary
Government of Tamil Nadu
Housing and Urban Development Department
Secretariat
Fort St. George
Chennai 600 009
- 2 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 3 The Executive Engineer
Zone - V
Corporation of Chennai
No.2, Adikesavalu Street
Chindadripet
Chennai 600 002

- 4 D. Hussain Ansar

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the appeal bearing proceedings Letter No.23822/UD/VI(2)/2014-2 dated 26.12.2014 filed by the fourth respondent under the Tamil Nadu Town and Country Planning Act, 1971, after affording opportunity of hearing to the petitioner within a specified time.

For petitioner Mr. K. Elango

For R1 Mr.N. Sakthivel, Government Advocate
For RR 2 & 3 Mr. G. Anantharangan
Standing Counsel for
Chennai Corporation

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, takes notice for the first respondent and Mr. G. Anantharangan, learned Standing Counsel, takes notice for respondents 2 and 3. At this stage, it is not necessary to issue notice to the fourth respondent, as the appellate authority is required to afford opportunity of hearing to all the concerned parties before passing the order in appeal. Thus, with the consent of the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and the learned Standing Counsel appearing for respondents 2 and 3, this writ petition is taken up for final disposal, at the admission stage itself.

2 The brief facts leading to the filing of the instant writ petition are that the petitioner is the owner of the premises in question and the fourth respondent is a tenant under the petitioner. Finding that the fourth respondent had put up unauthorised construction in the premises in question, the second respondent-Corporation has issued a notice dated 16.12.2014 under Section 56(2) (iii) and (2A) of the Tamil Nadu Town and Country Planning Act, 1971, to the fourth respondent, directing the latter to dis-continue the occupation of the premises in question, to enable the authorities to carry out locking, sealing and demolition. Thereagainst, the fourth respondent has preferred an appeal on 26.12.2014 before the first respondent-Government and also obtained an order of interim stay. Seeking early disposal of the said appeal preferred by the fourth respondent before the first respondent-Government, the petitioner has come up with this writ petition.

3 In view of the limited scope of the relief sought by the petitioner, we direct the first respondent-Government to consider and pass orders on the fourth respondent's appeal on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Needless to state that an opportunity of hearing be given to the parties concerned before orders are passed in the pending appeal preferred by the fourth respondent.

4 The writ petition stands disposed of with the above direction and observation. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Secretary
Government of Tamil Nadu
Housing and Urban Development Department
Secretariat
Fort St. George
Chennai 600 009
- 2 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 3 The Executive Engineer
Zone - V
Corporation of Chennai
No.2, Adikesavalu Street
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Chennai 600 002

- 1 cc to Mr.K. Elango, Advocate, Sr. 21158
1 cc to Mr.G. Anantharangan, advocate, Sr. 21279

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JP (CO)
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