

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HONOURABLE MR .JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.14426 of 2015
and
M.P.Nos.1 and 2 of 2015

1. Syed Ashraf Ali
2. Syed Javeed Hussain
3. Syed Arshad Hussain
4. Syed Zubair Ahmed

... Petitioners

vs.

1. The State of Tamil Nadu
rep.by its Secretary to
Housing and Urban Development
Department,
Fort St.George,
Chennai-600 009.
2. The Corporation of Chennai,
rep.by its Commissioner,
Ripon Buildings,
Chennai-600 003.
3. Corporation of Chennai
Regional Office-Central
rep.by Regional Deputy Commissioner
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030.

... Respondents

Petition filed under Article 226 of the Constitution of India
praying for a writ of mandamus forbearing the second and third
respondents from initiating action under the notice dated 20.03.2015

"locking and sealing and Demolition Notice" and notice dated nil for "de-occupation" bearing Notice Nos.REGIONCENTRAL/TPENF/0125/2015 and REGIONCENTRAL/TPENF/0120/ 2015 pending disposal of the appeal dated 01.04.2015 filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on the file of the first respondent.

For Petitioner : Mr.Mohammed Fayaz Ali

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader for R1
Mr.V.C.Selvasekaran for RR2 and 3

ORDER

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

Heard Mr.Mohammed Fayaz Ali, learned counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader, who takes notice on behalf of R1 and Mr.V.C.Selvasekaran, learned counsel, who takes notice on behalf of the Chennai Corporation.

2. The petitioners sought for a mandamus forbearing the second and third respondents from initiating action under the notice dated 20.03.2015 "locking and sealing and Demolition Notice" and notice dated nil for "de-occupation" bearing Notice Nos.REGIONCENTRAL/TPENF/0125/2015 and REGIONCENTRAL/TPENF/ 0120/2015 pending disposal of the appeal dated 01.04.2015 filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on the file of the first respondent.

3. It is stated by the petitioners that the authorities have issued a notice on 20.03.2015 for locking and sealing the premises allegedly on the reason that the said construction put up by the petitioners is an unauthorised one. It is further contended by the petitioners that as against the said lock and seal notice dated 20.03.2015, they have filed an appeal before the first respondent, viz., the Secretary to Government, Housing and Urban Development Department, under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, along with a stay petition. It is also submitted by the petitioners that though reply has been submitted by the petitioners for the locking and sealing and Demolition Notice issued by the third respondent stating that the reply submitted by the petitioners are not acceptable, they have further issued another notice dated nil for "De-occupation" of the premises. It is stated

that the said appeal petition was filed on 01.04.2015 and the same is still pending and order is not yet passed by the first respondent. Therefore, it is contended that pending disposal of the said appeal petition, any act on behalf of the respondents to lock and seal the premises or to demolish the building, which is the subject matter of the writ petition, cannot be permitted.

4. The learned counsel appearing for the petitioners invited this Court's attention to the earlier orders passed in identical matters in W.P.No.13951 of 2013, dated 8.5.2015, wherein one of us (R.SUBBIAH,J.) was a party and in W.P.No.25661 of 2014 dated 29.9.2014, wherein one of us (K.RAVICHANDRABAABU, J.) was a party.

5. A perusal of those orders would show that in similar circumstances this Court has directed the appeal filed by the petitioners therein to be disposed of on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of the order and the stay petition to be disposed of within a period of two weeks from that date. It was further ordered therein that till orders are passed in the stay petition, status-quo as on that date shall be maintained by both the parties.

6. When similar orders are passed by this Court in series of matters like the one before us, we do not find any reason to deviate from the earlier orders passed by this Court in similar circumstances and thus propose to pass the very same order in this matter also. Accordingly, without expressing any view on the merits of the case, we direct the first respondent herein to take up the appeal filed by the petitioners and dispose of the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and also to take up the stay petition, filed along with the appeal, and dispose of the same on merits and in accordance with law within a period of two weeks from today. Till such time, status-quo as on today shall be maintained by both the parties.

7. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vj2

To

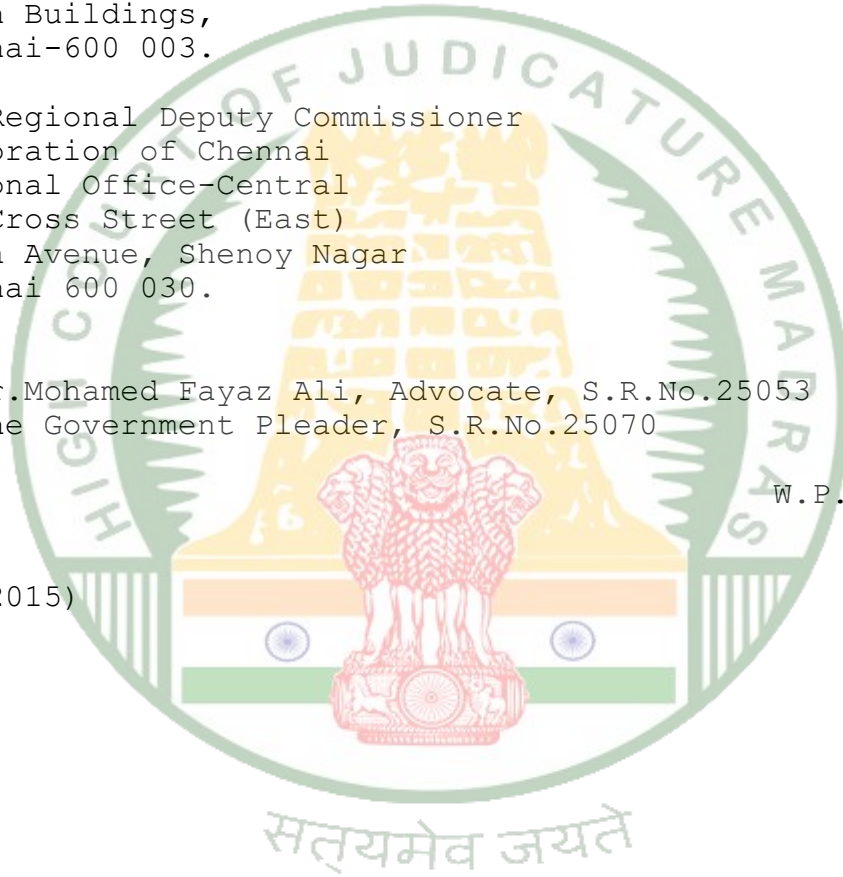
1. The Secretary to State of Tamil Nadu
Housing and Urban Development Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
3. The Regional Deputy Commissioner
Corporation of Chennai
Regional Office-Central
2nd Cross Street (East)
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Chennai 600 030.

+1cc to Mr.Mohamed Fayaz Ali, Advocate, S.R.No.25053

+1cc to the Government Pleader, S.R.No.25070

W.P.No.14426 of 2015

MG(CO)
CA(20/05/2015)



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