

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2015

CORAM

THE HONOURABLE MR.JUSTICE V.DHANAPALAN
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15316 of 2015
and
M.P.No.1 of 2015

M.Mohmed Siraj

.. Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat,
Chennai - 600 009.
2. The Director of Town and Country Planning,
Chennai - 600 002.
3. The Member Secretary,
Erode Local Planning Authority,
Town & Country Planning Department,
Housing Board Commercial Complex,
Soorapati Nal Road,
Erode - 638 009.
4. The District Collector,
Erode District,
Erode.
5. The Commissioner,
The Erode Municipal Corporation,
Erode,
Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of certiorari, calling for the records pertaining to the Orders of the 3rd respondent in Na.Ka.No.1074/2014 ELPA-2 dated 12.05.2015 and quash the same.

For Petitioner
For Respondents

.. Mr.C.K.M.Appaji
.. Mr.R.Vijayakumar
Additional Government Pleader

ORDER

(The order of the Court was made by V.DHANAPALAN,J)

Heard Mr.C.K.M.Appaji, the learned counsel for the petitioner and Mr.R.Vijayakumar, the learned Additional Government Pleader, who takes notice on behalf of the respondents.

2. Though, the petitioner has challenged the proceedings of the 3rd respondent, dated 12.05.2015, in Na.Ka.No.1074 of 2014 ELPA-2, which was issued on the petitioner's letter dated 02.03.2015 seeking to stop the lock and seal and demolition notice issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, the learned counsel for the petitioner, after exhaustive arguments would make a plea that the petitioner has already preferred an appeal to the competent authority, viz., the 1st respondent on 09.02.2015 and if a direction is issued to dispose of the said appeal, the grievance of the petitioner would be redressed.

3. The learned Additional Government Pleader would submit that as regards the disposal of the appeal, he is having no serious objection. However, he would submit that it would take reasonable time to dispose of the matter, in accordance with law.

4. Having regard to the facts and circumstances of the case and in view of the submissions made by the learned counsel for the petitioner, more particularly, his plea for a direction to the first respondent to dispose of the appeal preferred by the petitioner, in accordance with law, without expressing any opinion on the merits of the case, we direct the 1st respondent to consider and dispose of the appeal, preferred by the petitioner, on 09.02.2015, on merits and in accordance with law, after giving notice to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

msk/ars

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat,
Chennai - 600 009.
 2. The Director of Town and Country Planning,
Chennai - 600 002.
 3. The Member Secretary,
Erode Local Planning Authority,
Town & Country Planning Department,
Housing Board Commercial Complex,
Soorapati Nal Road,
Erode - 638 009.
 4. The District Collector,
Erode District,
Erode.
 5. The Commissioner,
The Erode Municipal Corporation,
Erode,
Erode District.
- + 1 cc to Mr.C.K.M.Appaji, Advocate SR 25487
- + 1 cc to Government Pleader SR 25591

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