

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

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

W.P. No.15732 of 2015 and M.P. No.1 of 2015

R. Aarani

Petitioner

vs.

1 The Secretary to Government of Tamil Nadu
Housing and Urban Development
Fort St. George, Chennai 600 009

2 The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai 600 003

3 The Executive Engineer
Zone XIII, Division No.176
Corporation of Chennai
Besant Nagar, Chennai 600 090

4 P. Sivagnanam

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second respondent to consider and dispose of the petitioner's representation dated 31.03.2015 and pass suitable orders.

For petitioner Mr. D. Senthil Kumar

For R1 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For RR 2 & 3 Mr. R. Arunmozhi

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ORDER

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

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner, claiming to be the absolute owner of the property, measuring an extent of 1,477 sq. ft. comprised in Old Survey No.13/2, New Survey No.20, Block No.20, bearing Door No.122, Bajanaï Koil Street, Urur Kuppam Village, Besant Nagar, Chennai 600 090, has come up with the instant writ petition, seeking a direction to the second respondent to consider his representation dated 31.03.2015 on merits and pass a suitable order.

3 On a perusal of the pleadings as well as documents appended thereto, we have come across a notice dated 26.03.2012 issued under Section 57 read with Section 85 of the Town and Country Planning Act, 1971 (for short "the Act"), calling upon the petitioner to produce the sanction plan within 30 days. In default, it was informed that action would be taken for locking and sealing of the premises. Seemingly, the authorities have kept quiet for about three years. Thereafter, on 06.03.2015, all of a sudden, the respondents 2 and 3 have woken up from slumber and locked the premises in question. Challenging the notice dated 26.03.2012 and also the factum of locking and sealing of the premises on 06.03.2015, the petitioner has preferred an appeal on 24.03.2015 under the provisions of Section 80-A of the Act. Subsequently, the petitioner has also made a representation to the authorities on 31.03.2015 seeking to reconsider the notice issued earlier, as aforesaid and has come up with the instant writ petition, seeking a direction to the second respondent to consider the said representation and pass orders.

4 We are afraid that we cannot entertain this writ petition at this stage. When the subject matter is pending disposal before the Appellate Authority, no direction to consider any representation, in the meantime, be issued by us. However, we direct the Appellate Authority to consider the appeal as expeditiously as possible, in accordance with law and on its own merits and pass appropriate orders.

5 The writ petition stands disposed of accordingly with the above observation and direction. Costs made easy. Connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

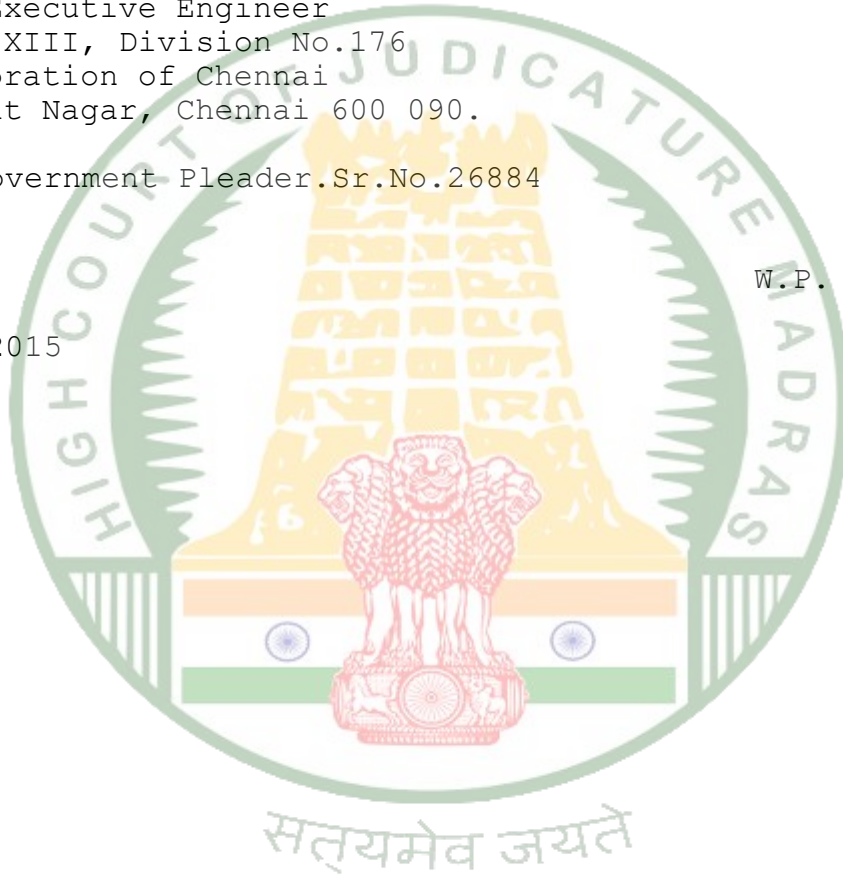
cad

To

- 1 The Secretary to Government of Tamil Nadu
Housing and Urban Development
Fort St. George, Chennai 600 009
 - 2 The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai 600 003
 - 3 The Executive Engineer
Zone XIII, Division No.176
Corporation of Chennai
Besant Nagar, Chennai 600 090.
- 1 cc to Government Pleader.Sr.No.26884

EV(CO)
PMK.15.6.2015

W.P. No.15732 of 2015



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