

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2015

CORAM:

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

W.P.No. 35094 of 2014

Aswinkumar @ Ambarishkumar

.. Petitioner

vs.

1. The Government of Tamil Nadu,
rep. By its Secretary,
Housing and Urban Development
Department, Fort St. George,
Chennai.9.

2. The Corporation of Chennai
rep. By its Commissioner,
Ripon Buildings, Chennai. 3.

2. The Executive Engineer,
Corporation of Chennai,
Zone V,
Chennai. 79.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose of the appeal petition dated 28.6.2013 and interim application filed by the petitioner under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act 1971, as expeditiously as possible after calling for the remarks and necessary records from the respondents 2 and 3 in respect of the premises situate at No.58 Narayana Mudali Street, Sowcarpet, Chennai 600 079.

For Petitioner : Mr. R. Thiagarajan
For Respondents : Mr. P.S.Sivashanmughasundaram
Spl. Govt. Pleader - R1
Mr. K. Soundararajan - R2 & R3

ORDER

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

Being aggrieved by the locking, sealing and demolition notice dated 4.4.2012 issued by the Executive Engineer, Zone III, Corporation of Chennai, the petitioner has preferred an appeal under Section 80-A (3) of the Tamil Nadu Town and Country Planning Act, 1971, on 28.6.2013 along with the application for interim relief. It is informed that the application for interim relief was rejected. Thereagainst, writ petition in W.P. No. 31450 of 2014 was filed before this Court and the same was disposed of by a Division Bench of this Court by order dated 3.12.2014 with a direction to the petitioner to appear before the first respondent on 5.12.2014 along with the documents and that the first respondent shall pass orders afresh.

2. It is stated that in compliance thereof, the petitioner has appeared before the authorities and the authorities have also called for remarks from the Chennai Metropolitan Development Authority, which were submitted on 23.12.2014. Thus, nothing further is required to be done for disposal of the pending appeal.

3. In view of the foregoing, without expressing any opinion on the merits of the case, we direct the first respondent to consider and decide the pending appeal on its own merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.
ra

-s/d-

Assistant Registrar(CS-II)

Dt:20/1/2015

True Copy

Sub-Assistant Registrar

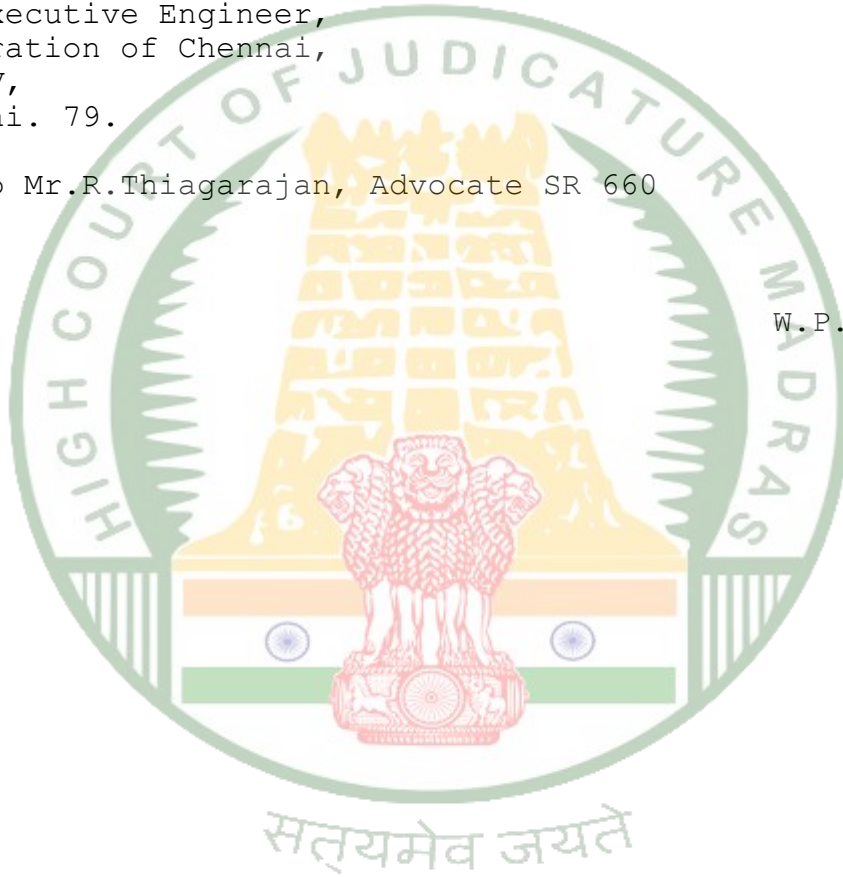
To

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+ 3 ccs to Mr.R.Thiagarajan, Advocate SR 660

tej(co)
prk28/1

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