

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2015

CORAM:

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

W.P. No.35116 of 2014 and M.P. No.1 of 2014

S. Rakeshkumar

Petitioner

Vs.

- 1 The Government of Tamil Nadu
represented by Secretary to Government
Housing & Urban Development Department
Secretariat
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Executive Officer
Peerankarani Town Panchayat
Chennai 600 063

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the entire records on the file of the second respondent in connection with the impugned proceedings in Letter No.ES3/5225/14 dated 09.12.2014 and quash the same.

For petitioner Mr. K. Elango
For R1 Mr. P.S. Sivashanmugasundaram
Special Government Pleader
For R2 Mr. C. Johnson
For R3 No appearance

ORDER

With the consent of the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2, the writ petition is taken up for final disposal.

2 The challenge in this writ petition is to letter No.ES3/5225/14 dated 09.12.2014, wherein and whereunder, the petitioner has been asked to dis-continue the occupation of the

premises at Plot No.28, Sathyamoorthy Street, Srinivasa Nagar, Peerkankaranai, Chennai - 600 063, within a period of 7 days enabling the second respondent to carry out the locking, sealing and demolition of unauthorised construction in due course.

3 According to the learned counsel for the petitioner, the petitioner has preferred an appeal on 26.08.2014 before the State Government, against the order dated 06.08.2014 passed by the second respondent. The State Government, by letter no.15912/UD-VI(2)/2014-1 dated 19.09.2014, has directed the Chennai Metropolitan Development Authority, the second respondent herein, to send detailed parawise remarks. During the pendency of the appeal, the impugned letter dated 09.12.2014 threatening to lock and seal the premises in question and further demolition of the alleged unauthorised construction, has been issued by the second respondent.

4 When an appeal has been preferred by the petitioner on 26.08.2014 and also, when a letter has been addressed by the State Government to the Chennai Metropolitan Development Authority, the second respondent herein, on 19.09.2014, to submit parawise remarks, we fail to understand as to how a consequential letter dated 09.12.2014 can be issued by the second respondent, even before the disposal of the appeal by the State Government.

5 The learned Special Government Pleader appearing for the first respondent submitted that the petitioner's appeal which is pending consideration by the first respondent, shall be considered and decided within a period of eight weeks.

6 In view of the above, we suspend the letter dated 09.12.2014 which is impugned in this writ petition, till the disposal of the appeal preferred by the petitioner. We further direct the first respondent to consider and pass orders on the petitioner's appeal within a period of eight weeks from the date of receipt of a copy of this order. In the event of the petitioner's success in appeal, the letter which is impugned in this writ petition may not be given effect to.

7 The writ petition is disposed of with the above direction. No costs. Connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS-III)

Dt:12/1/2015

True Copy

Sub-Assistant Registrar

To

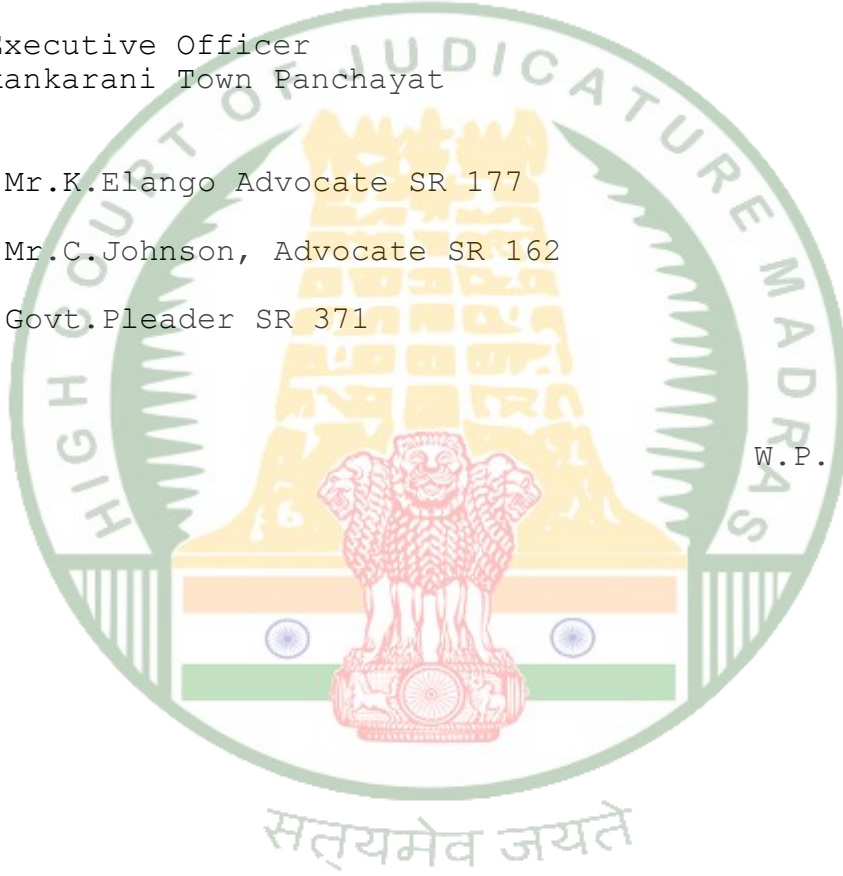
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- + 1 cc to Mr.K.Elango Advocate SR 177
+ 1 cc to Mr.C.Johnson, Advocate SR 162
+ 1 cc to Govt.Pleader SR 371

tej(co)
prk22/1

W.P. No.35116 of 2014



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