

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No. 23624 of 2015
and

M.P. No.1 of 2015

S. Prakash

... Petitioner

Vs.

1. Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009
2. Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the second respondent from in any way interfering with the petitioner at New Door No.35, Old Door No.40, Chakkarai Chetty Street, Kondithoppu, Chennai, particularly by way of locking and sealing and or demolition of the same, pending final determination of the statutory appeal dated 06.04.2015 by the first respondent under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971.

For petitioner : Mr. L. Chandrakumar

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

For R2 : Mr. C. Johnson, Standing Counsel

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.

2. By this writ petition, the petitioner seeks a direction to the second respondent not to interfere with the petitioner's possession and enjoyment of the property in New Door No.35, Old Door No.40, Chakkarai Chetty Street, Kondithoppu, Chennai, by way of locking, sealing and or demolition of the same during the currency of the statutory appeal preferred by him on 6th April 2015.

3. According to the learned counsel for the petitioner, the aforestated appeal was filed questioning the locking, sealing and demolition notice dated 20th September 2013 issued by the second respondent. No orders have been passed in the said appeal, till date. In the mean time, the second respondent is proceeding against the petitioner by way of locking, sealing and demolition of the property in question.

4. On the other hand, Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader appearing for the first respondent submits that the petitioner's appeal is not traceable.

5. In view of the above submission made by the learned Special Government Pleader, the petitioner is directed to present one more set of appeal filed earlier before the appellate authority. Thereafter, the appellate authority is directed to take a decision on merits and in accordance with law, within a period of four weeks. It is made clear that status quo as obtained today, in respect of the property in question, shall be maintained for a period of four weeks.

6. With the above direction and observation, the writ petition stands disposed of. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

cad

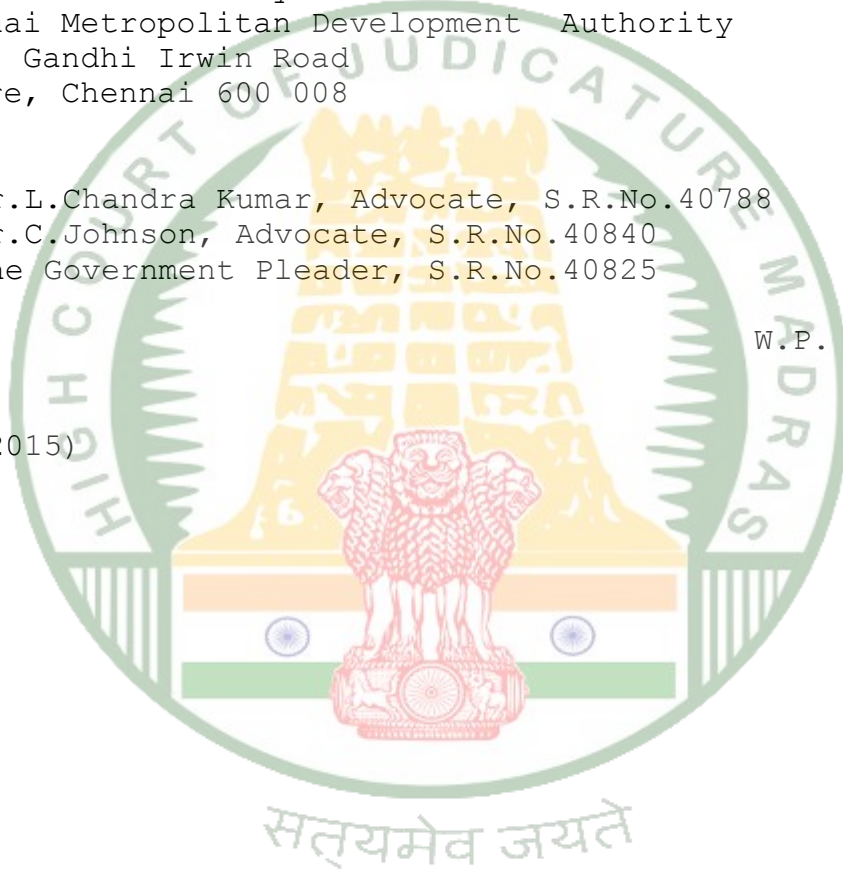
To

1. The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat
Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No.40788
+1cc to Mr.C.Johnson, Advocate, S.R.No.40840
+1cc to the Government Pleader, S.R.No.40825

W.P. No.23624 of 2015

TS(CO)
CA(21/08/2015)



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