

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.26204 of 2015

M.Chandrasekar

...Petitioner

-vs-

1. The Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009
2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
3. The Executive Engineer
Zone-V
Corporation of Chennai
Royapuram
Chennai
4. The Assistant Executive Engineer
Zone-V, Unit-12
Corporation of Chennai
Royapuram
Chennai
5. The Assistant Engineer
Zone-V, Unit-12, Division-50
Corporation of Chennai
Royapuram
Chennai

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing respondents 2 to 5 from in any manner interfering with the petitioner's property bearing Door No.60/11, Durai Street, Royapuram, Chennai 600 013, particularly pursuant to the locking, sealing and demolition notice in No.Dn.50/003/2015 dated 13.05.2015 issued under Sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 and consequential discontinue the occupation notice in Letter No.Dn.50/004/2015 dated 04.08.2015 issued under Section 56(2)(iii) (2A) of Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972 as amended by Act 61 of 2008) during the pendency of the petitioner's Statutory Appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 dated 18.8.2015 now pending before the first respondent.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel for
Mr.N.R.Anantha Rama Krishnan

For Respondents : Mrs.A.Srijayanthi
Special Government Pleader for R1
Mrs.Karthiga Ashok for R2 to R5

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN, J.)

With consent, the main writ petition is taken up for final consideration at the admission stage itself.

2. Mrs.A.Srijayanthi, learned Special Government Pleader takes notice for the first respondent. Mrs.Karthiga Ashok, learned standing counsel takes notice for the respondents 2 to 5.

3. The grievance of the petitioner is that the petitioner has filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 on 18.8.2015 against the order of lock and seal and till now no order has been passed.

4. Since the appeal as stated above is still pending, this writ petition cannot be entertained. However, the first respondent is directed to consider the appeal filed by the petitioner dated 18.8.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. As the stay petition is also pending, which is maintainable under Section 80-A(3) of the Tamil Nadu Town and Country

Planning Act, 1971, the first respondent is directed to pass orders in the stay petition, within a period of two weeks from today. Till orders are passed in the stay petition, status quo as on today shall be maintained by both the parties.

5. The writ petition is disposed of with the above direction. Consequently, M.P.No.1 of 2015 is closed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Housing and Urban Development Department
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5. The Assistant Engineer
Zone-V, Unit-12, Division-50
Corporation of Chennai
Royapuram
Chennai

1 CC to Mrs.Karthiga Ashok, Advocate SR.No. 45014

1 CC to the Government Pleader, SR.No. 45105

1 CC to Mr.N.R.Anantha Rama Krishnan, Advocate SR.No. 44809

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SR (CO)
PSI (09.09.2015)



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