

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.2629 of 2015

&

M.P.No.1 of 2015

Sathyabama University

Represented by its Registrar Dr.S.S.Rau

Jeppiaar Nagar

Rajiv Gandhi Road

Chennai - 600 119

... Petitioner

vs.

1. The Government of Tamil Nadu

Represented by its

Principal Secretary

Housing and Urban

Development Department

Fort St. George,

Chennai - 600 009

2. Member Secretary

Chennai Metropolitan

Development Authority

No.1, Gandhi-Irwin Road

"Thalamuthu-Natarajan Maaligai"

Egmore, Chennai - 600 008

3. The Commissioner

Corporation of Chennai

Rippon Building

Chennai - 600 003

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to dispose of the statutory appeal submitted by the petitioner institution on 27.01.2015 under Section 79 and 80A of Tamil Nadu Town and Country Planning Act against the notices issued by the 2nd respondent Member Secretary, Chennai Metropolitan Development Authority in Letter No.ES3/14353/2014 dated 10.12.2014 and 20.01.2015 with a reasonable time as fixed by this Court.

For Petitioner : Mr.N.R.Chandran
for Mr.R.Natarajan

For Respondents : Mr.R.Vijayakumar
Additional Govt. Pleader for R1

Mr.A.Kumar for R2

Mr.P.V.Selvakumar for R3

ORDER

Heard Mr.N.R.Chandran, learned senior counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the first respondent, Mr.A.Kumar, learned counsel appearing for the second respondent and Mr.P.V.Selvakumar, learned counsel appearing for the third respondent.

2. The petitioner is a University and they have filed this writ petition to direct the first respondent to dispose of their statutory appeal filed against the orders passed by the Chennai Metropolitan Development Authority dated 10.12.2014 and 20.01.2015.

3. The Chennai Metropolitan Development Authority issued a locking and Sealing and Demolition notice dated 10.12.2014 to the petitioner on the ground that the construction made by the petitioner is in violation of the approved building plan. The petitioner submitted their objection to the said notice and it is stated that without considering the contentions raised by the petitioner, the Chennai Metropolitan Development Authority passed order on 20.01.2015 confirming the earlier order dated 10.12.2014. Aggrieved by the said order, the petitioner has filed a statutory appeal before the first respondent, namely the Government. The receipt of the appeal has been acknowledged by the office of the first respondent by affixing their seal dated 28.01.2015. In the meantime, the petitioner fears that the Chennai Metropolitan Development Authority would take steps for lockup, sealing and demolition.

4. The learned Senior counsel appearing for the petitioner submitted that the petitioner is an Educational institution and students are studying and if demolition is to be done pending disposal of the statutory appeal, it will cause irreparable loss and hardship to them.

5. It is seen that along with the appeal petition, stay petition has also been filed which is pending action before the first respondent.

6. In the light of the above, the first respondent is directed to consider the stay petition along with the appeal dated 27.01.2015, after hearing the petitioner in person within a period of two weeks from the date of receipt of a copy of this order. Thereafter, it is open to the first respondent to fix a date for hearing the main appeal. Till then, the status-quo prevailing as on date shall be maintained.

7. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gpa

1. The Principal Secretary
Housing and Urban
Development Department
Fort St. George,
Chennai - 600 009

2. Member Secretary
Chennai Metropolitan
Development Authority
No.1, Gandhi-Irwin Road
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3. The Commissioner
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+ 1 cc to Government Pleader Sr.5786

+ 1 cc to Mr.R. Natarajan, Advocate SR.5627

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KJI(CO)
EU 20.02.14