

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30/9/2015

C O R A M

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

W.P. No.29681 of 2015
a n d
M.P.No.1 of 2015

1. Bhagirathan
2. Grishh ... Petitioners

Vs

1. The Secretary to the Department
of Housing and Urban Development
Government of Tamil Nadu
Secretariat
Fort St. George
Chennai 9.

2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.1 Gandhi Irvin Road
Chennai 8.

3. The Commissioner
Corporation of Chennai
Rippon Building
Chennai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of mandamus to direct the first respondent herein to dispose of Appeal Petition dated 9/9/2015 filed by the petitioners within the stipulated time prescribed by this Court.

For petitioner ... Mr.S.Prabakaran
for Mr.T.Muruganantham

For respondents ... Mrs.A.Srijayanthi,
Special Government Pleader
for R.1.
Mr.N.Sampath for R.2
Mr.V.C.Selvasekaran for R.3.

O R D E R

(Delivered by SATISH K. AGNIHOTRI, J.)

Mrs.A.Srijayanthi, learned Special Government Pleader, appears on behalf of the first respondent. Mr.N.Sampath appears for the second respondent and Mr.V.C.Selvasekaran for the third respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2 This writ petition is filed praying to direct the first respondent to dispose of the Appeal Petition dated 9 September, 2015 filed by the petitioners.

3. The learned counsel appearing for the petitioners submits that the second respondent had issued a notice dated 27 July, 2015, without following the due procedure of law. Ergo, the petitioners had filed an Appeal Petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, on 9 September, 2015 and the same is pending consideration. Hence, the instant writ petition.

4. Without going into the merits of the case, we direct the first respondent to consider the petitioner's application for interim relief as early as possible, if it is filed, preferably within a period of two weeks and also to consider the Appeal Petition within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law, in the light of the order dated 29 September, 2015, passed by this Court in Lalithkumar C.Soni - vs. Government of Tamil Nadu and others¹. It is made clear that for a period of two weeks from today i.e., 30 September, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties and the petitioner is restrained from making any further construction in the property in question.

5 With the aforestated direction, the writ petition stands disposed of. No costs. Connected Miscellaneous Petition is closed.

mvs

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

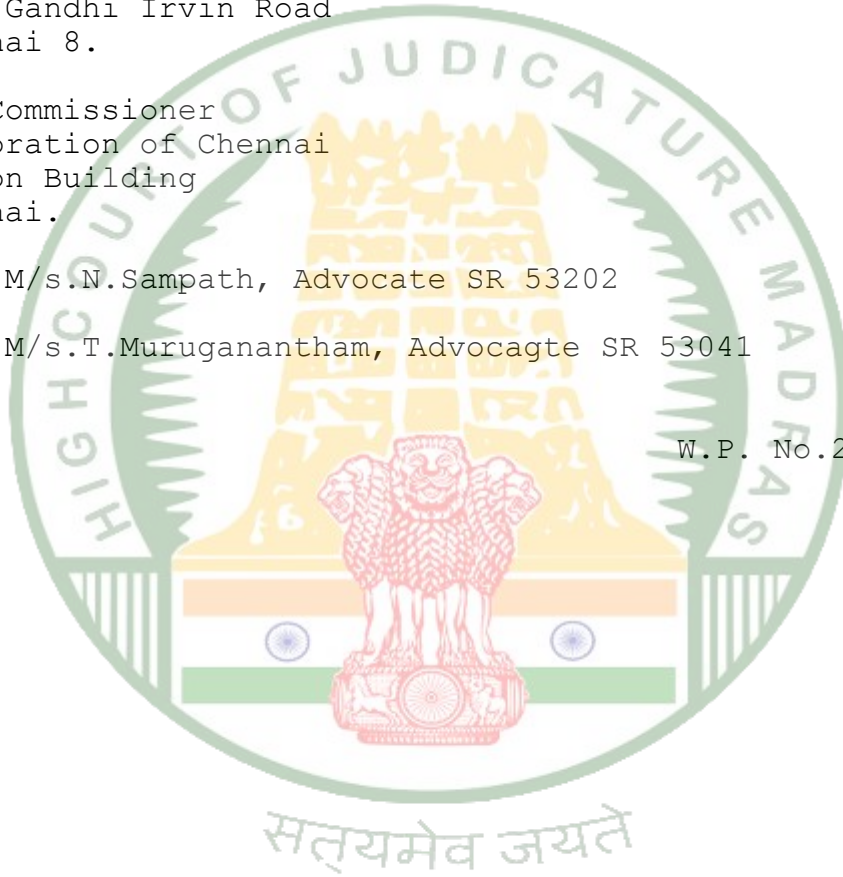
1 W.P.No.16392 of 2015 batch

To

1. The Secretary to the Department
of Housing and Urban Development
Government of Tamil Nadu
Secretariat
Fort St. George
Chennai 9.
 2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.1 Gandhi Irvin Road
Chennai 8.
 3. The Commissioner
Corporation of Chennai
Rippon Building
Chennai.
- + 1 cc to M/s.N.Sampath, Advocate SR 53202
- + 1 cc to M/s.T.Muruganantham, Advocate SR 53041

gp(co)
prk5/10

W.P. No.29681 of 2015



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