

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2015

CORAM:

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

W.P. No. 30686 of 2015

Taher M. Kathawala

... Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai-8.
 2. The Enforcement Wing,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai-8.
 3. The Commissioner,
Corporation of Chennai, Rippon Building,
E.V.R. Salai Chennai-3.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for all the records pertaining to the impugned de-occupation Notice vide Letter No.EC/ EA/N-1/ 4509/2015 dated 22.9.2015 issued under Section 56(2) Sub Clause (iii) and (2A) of Town and Country Planning Act 1971 by the 1st respondent and quash the same and consequently direct the respondents not to seal and lock the said premises except according to procedure established by law.

For petitioner : Mr. S. Saranraj

For respondents : Mr. P.H.Arvind Pandian
Additional Advocate General
assisted by
Mr. N. Sampath - R1 & R2
Mr. V.C. Selvasekaran - R3

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

The learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition with a prayer to direct the Secretary, Housing and Urban Development Department, Chennai - 9, to dispose of the appeal pending before him and has also made an endorsement to that effect, as under:

"Withdraw this writ petition since appeal filed before Secretary, Urban & Development Authority, Chennai, dated 29.09.15 challenged impugned notice. Prays to dispose the appeal a week's time filed before Government"

2. In view of the above submission and endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn. However, as the statutory appeal filed against the impugned de-occupation notice dated 22.09.2015 is pending before the Government, the authority concerned is directed to dispose of the same on its own merits and in accordance with law, within the prescribed statutory period and also to consider the petitioner's application for interim relief, at the earliest, preferably, within a period of two weeks from today, i.e., 05 October, 2015. No costs. Connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai-8.

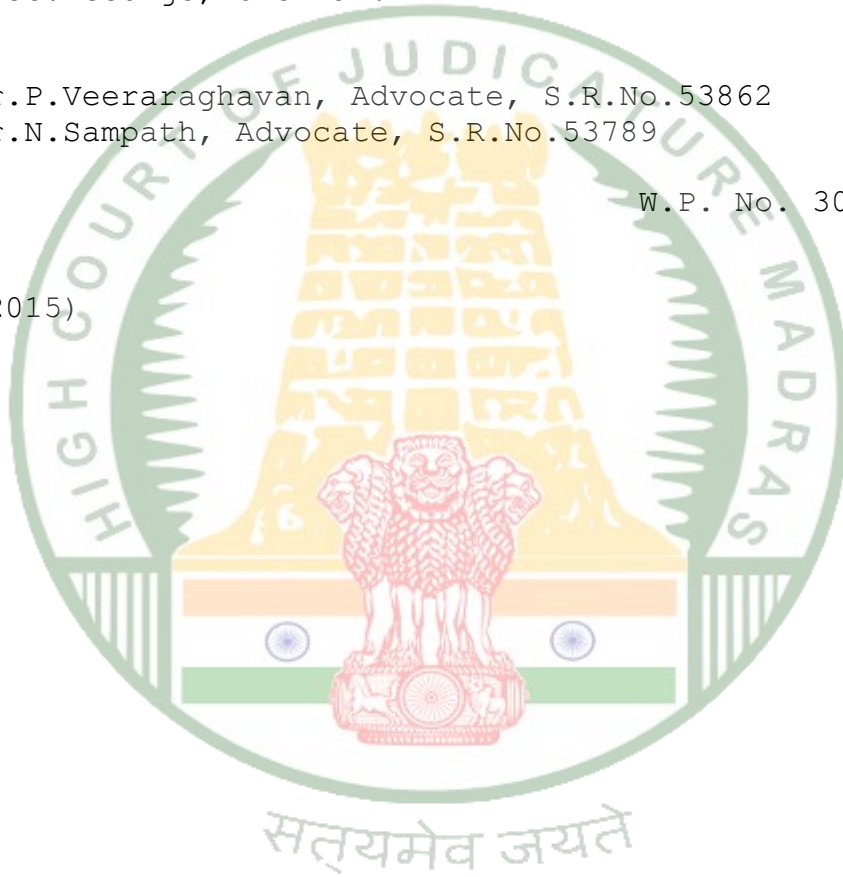
2. The Enforcement Wing,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai-8.
3. The Commissioner,
Corporation of Chennai, Rippon Building,
E.V.R. Salai Chennai-3.
4. The Secretary,
Housing and Urban Development,
Fort St. George, Chennai.

+1cc to Mr.P.Veeraraghavan, Advocate, S.R.No.53862

+1cc to Mr.N.Sampath, Advocate, S.R.No.53789

W.P. No. 30686 of 2015

KU(CO)
CA(16/10/2015)



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