

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM:

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

W.P. No. 33740 of 2015

and

M.P.No. 1 of 2015

Andrew Rajkumar ... Petitioner

vs

- 1 State of Tamilnadu
rep. by its Secretary
Housing and Urban
Development Department,
Fort St. George,
Chennai-9
- 2 Chennai Metropolitans
Development Authority , (CMDA)
rep. by its Member Secretary,
No.1 Gandhi Irwin Road
Egmore, Chennai-8
- 3 Corporation of Chennai
rep. by its Executive Engineer,
TP Enforcement,
Regional Office-Central
2nd Cross Street (East,) Pulla Avenue,
Shenoy Nagar Chennai-30. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to consider the petitioner's Appeal dated 17.8.2015 filed against the notice in No.RDC(C)/TPENF/009625/2014, dated 25.9.2014 issued by the 3rd respondent and pass orders in accordance with law.

For petitioner	: Mr. R. Neelakandan
For respondents	: Mrs. A. Srijayanthi
	Spl. Govt. Pleader - R1
	Mr. K. Rajasrinivas - R2
	Mr. A. Nagaraj - R3

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. K. Raja Srinivas, learned counsel, accepts notice for the second respondent. Mr. A. Nagaraj, learned counsel, accepts notice for the third respondent. With the consent of the learned counsel for the parties, this writ petition is taken up for final disposal, at the admission stage.

2 Invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, the instant writ petition is filed. This is the second round of litigation by the petitioner. The petitioner has preferred earlier writ petitions, being W.P.Nos.27842 and 27843 of 2015, assailing the validity of de-occupation notice dated 25th September, 2014 with a direction to remove lock and seal of the premises at Door Nos.5 and 6, Block No.335, Galaxy Apartments, II Avenue, Anna Nagar, Chennai-600 040. In the course of the argument, it was submitted that the petitioner be permitted to remove his chattels from the property in question. Accordingly, this court by order dated 8th September, 2015, disposed of the writ petitions, permitting the petitioner to remove his chattels within a period of one week.

3 The instant petition is filed for a direction to the appellate authority to consider the pending appeal and also to de-seal the premises during the pendency of the appeal. If an appeal is pending, the appellate authority is under an obligation to consider and decide the same within the statutory period. So far as de-sealing the property in question is concerned, the issue was under consideration in the earlier round of litigation in W.P.Nos.27842 and 27843 of 2015, and as such, the same cannot be agitated again.

4 In view of the foregoing, we are not inclined to pass any order in this writ petition. Accordingly, this writ petition is dismissed. No costs. Connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ra/vvk

To

1 The Secretary Housing and Urban
Development Department
State of Tamilnadu
Fort St. George,
Chennai-9

2 The Member Secretary,
Chennai Metropolitans
Development Authority , (CMDA)
No.1 Gandhi Irwin Road
Egmore, Chennai-8

3 The Executive Engineer,
Corporation of Chennai
TP Enforcement, Regional Office-Central
2nd Cross Street (East,) Pulla Avenue,
Shenoy Nagar Chennai-30.

+1cc to Mr.R. Neelakandan, Advocate, S.R.No.59018

+1cc to Mr.K. Raja Shrinivas, , Advocate, S.R.No.58018

+1cc to Mr.A. Nagarajan, Advocate Sr.57955

+1cc to the Government Pleader, S.R.No.58116

GR(CO)
EU(19/11/2015)

W.P. No.33740 of 2015

सत्यमेव जयते

WEB COPY