

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3687/2015 & MP.No.1/2015

R.Ganapathy

..

Petitioner

Versus

1.The Secretary to Government
Municipal Administration
Department, Fort St George
Chennai-9.

2.The Commissioner
Pammal Municipality
Pammal, Chennai 600075.

...

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent or his men or agent from proceeding with the implementation of the order of the 2nd respondent dated 17.10.2014 till the disposal of the appeal pending before the 1st respondent.

For Petitioner : M/s.L.G.Sahadevan

For Respondents: Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

Heard M/s.L.G.Sahadevan, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the 2nd respondent or his men or agent from proceeding with the implementation of the order of the 2nd respondent dated 17.10.2014 till the disposal of the appeal pending before the 1st respondent.

3.Aggrieved by the order passed by the 2nd respondent/the Commissioner, Pammal Municipality, dated 17.10.2014, the petitioner has filed an appeal under Rule 10 of the Tamil Nadu District

Municipalities Building Rules, 1972 and the appeal has been forwarded by Speed Post on 21.01.2015. It appears that there is a delay of 45 days in filing the said appeal and the petitioner has sought for condonation of the delay. Further, the petitioner had prayed for an order of interim stay of the order of the 2nd respondent dated 17.10.2014 along with the appeal petition, till the disposal of the main appeal.

4. Since the appeal filed by the petitioner before the 1st respondent is a statutory appeal, the 2nd respondent should not implement his order dated 17.10.2014 till the disposal of the said appeal. However, since the petitioner has filed the stay petition as well as the condone delay petition, the 1st respondent / the Appellate Authority is directed to first consider the condone delay petition and the stay petition within a period of three weeks from the date of receipt of a copy of this order. Thereafter, the 1st respondent shall dispose of the appeal in accordance with law, after affording an opportunity of personal hearing to the petitioner. Till the stay petition and the condone delay petition are disposed of in terms of the above direction, there will be an order of stay of the order passed by the 2nd respondent dated 17.10.2014.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (AD I)

/true copy/

Sub Asst. Registrar

AP

To

1. The Secretary to Government
Municipal Administration
Department, Fort St George
Chennai-9.

2. The Commissioner
Pammal Municipality
Pammal, Chennai 600075.

1 cc to Mr.L.g. Sahadevan, advocate, sr. 7828

WP.No.3687/2015

GJ (CO)
kk 25/2