

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.4047 of 2015 and M.P. No.1 of 2015

Kota Veeraswamiah Charities  
represented by its Managing Trustee  
Kota Manavaliah  
S/o Kota Sreenivasiah  
No.19/30, Duraiswamy Road  
T. Nagar, Chennai 600 017

Petitioner

vs.

- 1 The Secretary to the Government  
Housing and Urban Development Department  
Fort St. George, Chennai 600 009
- 2 The Commissioner  
Corporation of Chennai  
Ripon Building, Chennai 600 003
- 3 The Regional Deputy Commissioner  
Corporation of Chennai (North Zone)  
62, Basin Bridge Road  
Old Washermenpet, Chennai 600 021
- 4 The Executive Engineer  
Zone V  
Corporation of Chennai  
62 Basin Bridge Road  
Old Washermanpet, Chennai 600 021

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 to 4 to forbear them from in any way, interfering with the petitioner's building in Door No.44(87), Narayana Mudali Street, Sowcarpet, Chennai 600 001, particularly, by way of locking, sealing and demolition in pursuance of the notice in Letter No.DN/57/50/2014 dated 25.10.2014 during the pendency of the petitioner's appeal dated 06.02.2015 on the file of the first respondent.

For petitioner Mr. S. Santosh

For R1                      Mr. N. Sakthivel  
Government Advocate

For RR 2-4              Mr. G. Anantharangan  
Standing Counsel

ORDER

Mr. N. Sakthivel, learned Government Advocate, takes notice for the first respondent. Mr. G. Anantharangan, learned Standing Counsel, takes notice for the respondents 2 to 4. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the admission stage itself.

2     The grievance of the petitioner is that the petitioner has filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") before the first respondent on 06.02.2015 against the order of locking, sealing and demolition notice dated 25.10.2014 passed by the fourth respondent and till now, no order has been passed in the said appeal.

3     Since the appeal, as stated above, is still pending, this writ petition cannot be entertained. However, the first respondent is directed to consider the petitioner's appeal dated 06.02.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Along with the appeal before the first respondent, as stay petition is also pending, which is maintainable under Section 80-A(3) of the Act, the first respondent is directed to pass orders in the stay petition, within a period of two weeks from today. Till orders are passed in the stay petition i.e., for two weeks, status quo as obtained today shall be maintained by both the parties.

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

Sd/-

Assistant Registrar

Dated:20.2.15

True Copy

Sub Assistant Registrar

To

1 The Secretary to the Government  
Housing and Urban Development Department  
Fort St. George  
Chennai 600 009

2 The Commissioner  
Corporation of Chennai  
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4 The Executive Engineer  
Zone V  
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+1 cc to Mr.G.Anantharangan, Advocate,SR.8653

+1 cc to Mr.S.Santhosh, Advocate,SR.8338.

kk(co)  
krd 20/2

W.P. No.4047 of 2015

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