

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4955 of 2015

and

M.P.No.1 of 2015

M/s J.G.Holding and Investment Limited
rep. By its Authorized Signatory Kamlesh Kumar
No.55, Narayana Mudali Street,
Chennai - 79

...Petitioner

Vs

1.The Chief Engineer (commercial)
Tamilnadu Electricity Board,
No.800, Annasalai, Chennai - 600 002

2. The Area Engineer - VIII
Chennai Metropolitan Water Supply
and Sewerage Board,
No.9, Muthukrishnan Street,
T.Nagar, Chennai - 600 017

3. The Chennai Metropolitan
Development Authority rep. By its
Member Secretary, No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008

4. The Secretary to Government,
Housing and Urban Development Department,
Fort.St.George, Chennai - 9

...Respondents

Prayer :- Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus directing the 4th
respondent herein to dispose of the appeal in file no.7786/UD-
VI/2011-1 dated 11.04.2011 within a time frame.

For Petitioner : Mr.P.Raja

For Respondents : Mr.M.Jothikumar for R2
Mr.A.Kumar for R3
Ms.P.Rajalakshmi for R4
Government Advocate

O R D E R

Heard Mr.P.Raja, learned counsel appearing for the petitioner Mr.M.Jothikumar, learned counsel appearing for 2nd respondent, Mr.A.Kumar, learned counsel for the 3rd respondent and Ms.P.Rajalakshmi, learned Government Advocate appearing for the 4th respondent. With the consent of either side the Writ Petition itself is taken up for final disposal at the admission stage.

2.The petitioner seeks for issuance of Writ of Mandamus directing the 4th respondent herein to dispose of the appeal in file no.7786/UD-VI/2011-1 dated 11.01.2011 within a time frame.

3.The petitioner has filed an appeal before the Government, Housing & Urban Development, Fort St.George, Chennai - 9 under Section 80-A of the Tamilnadu Town & Country Planning Act, 1971. On 30.01.2014, the said appeal petition has been filed against the order refusing to approve the revised plan submitted by the petitioner by an order dated 19.05.2010. The appeal is still pending and the petitioner apprehends that water and sewerage connection will be disconnected.

4.In the light of the above, there shall be a direction to the petitioner to file a stay petition before the 4th respondent and if such petition is filed along with the copy of this order, the 4th respondent is directed to consider the stay petition at the first instance within a period of three weeks from the date of receipt of copy of this Order and thereafter, it is open to the 4th respondent to consider the main appeal after hearing the parties in person. Till the disposal of the stay petition, water and sewerage connection granted to the petitioner shall not be disconnected.

With the above observation, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

To

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The Chennai Metropolitan
Development Authority rep.
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Fort.St.George, Chennai - 9

1 CC to Mr.P.Raja, Advocate SR.No. 10629

1 CC to the Government Pleader, SR.No. 10594

W.P.No.4955 of 2015 and
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JP (CO)
PSI (02.03.2015)

सत्यमेव जयते

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