

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-03-2015

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

WRIT PETITION No.5588 of 2015
and
M.P.No.1 of 2015

M.Sanjay Kumar .. Petitioner

vs

- 1.The Corporation of Chennai
Rep. By its Commissioner
Ripon Buildings
Chennai 600 003
- 2.The Executive Engineer (Enforcement)
Corporation of Chennai
Town Planning
O/o. Regional Deputy Commissioner
(North)
61, Basin Bridge Road,
Chennai 600 021
- 3.The Government of Tamil Nadu
Rep. By its Secretary to Government
Housing and Urban Development
Department
Fort St. George, Chennai 600 009 .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing under the Town and Country Planning Act with regard to the building put up at Old No.166 (New No.339), Mint Street, Sowcarpet, Chennai 79, till the disposal of the appeal petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act to the third respondent.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents: Mr.G.Anantharangan
for RR1 and 2

Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R3

ORDER

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

Mr.G.Anantharangan, learned Standing Counsel, takes notice for the respondents 1 and 2. Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, takes notice for the third respondent. 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 third respondent on 31.12.2014, against the order of locking, sealing and demolition notice dated 25.11.2014, passed by the second 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 third respondent is directed to consider the petitioner's appeal dated 31.12.2014, 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 third respondent, as stay petition is also pending, which is maintainable under Section 80-A (3) of the Act, the third 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. Consequently, connected miscellaneous petition is closed.

Sd/- सतयमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

1.The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2.The Executive Engineer (Enforcement)
Corporation of Chennai
Town Planning
O/o. Regional Deputy Commissioner
(North)

61, Basin Bridge Road,
Chennai 600 021
3.The Secretary to Government
Housing and Urban Development
Department
Fort St. George, Chennai 600 009

+ 1 cc to Mr.D.S. Rajasekaran, Advocate SR.11487
+ 1 cc to Mr.G. Anantharangan, Advocate SR.11492
+ 1 cc Government Pleader Sr.11667

W.P.No.5588 of 2015

NM(CO)
EU 12.03.2015



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