

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.5589 of 2015
and
M.P.No.1 of 2015

Bhawari Devi .. Petitioner

vs

- 1.Corporation of Chennai
Rep. By its Commissioner
Ripon Buildings
Chennai 600 003
- 2.Executive Officer
Zone V
Corporation of Chennai
O/o. Regional Deputy Commissioner
(North)
Basin Bridge Road
Chennai 600 021
- 3.Chennai Metropolitan Development
Authority
Rep. By its Member-Secretary
No.1, Gandhi-Irwin Road
Egmore, Chennai 600 008
- 4.Government of Tamil Nadu
Rep. By its Secretary
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 to 3 or anybody on their behalf from initiating any coercive action of locking and sealing for the building put up at No.374, Mint Street, Sowcarpet, Chennai till the disposal of appeal petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act to the fourth respondent.

For Petitioner	:	Mr.L.Chandra Kumar
For Respondents	:	Mr.G.Anantharangan
		for RR1 and 2
		Mr.J.Raja Srinivas for R3
		Mr.P.S.Sivashanmugasundaram
		Special Government Pleader
		for R4

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.J.Raja Srinivas, learned Standing Counsel, takes notice for the third respondent. Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, takes notice for the fourth 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 fourth respondent on 16.2.2015, 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 fourth respondent is directed to consider the petitioner's appeal dated 16.2.2015, and pass orders on merits and in accordance with law, within the statutory period. Along with the appeal before the fourth respondent, as stay petition is also pending, which is maintainable under Section 80-A (3) of the Act, the fourth 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/-

Assistant Registrar

Dated:11.3.15

True Copy

Sub Assistant Registrar

To:

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

2.The Executive Officer
Zone V
Corporation of Chennai
O/o. Regional Deputy Commissioner
(North)
Basin Bridge Road
Chennai 600 021

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

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

+1 cc to Mr.L.Chandrakumar, Advocate,SR.11486

+1 cc to Mr.G.Anantharangan, Advocate,SR.11495

+1 cc to Government Pleader,SR.11670

+1 cc to Mr.K.Raja Srinivasan, Advocate,SR.11693.

tm(co)
krd 12/3

W.P.No.5589 of 2015



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