

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.5639 of 2015
and
M.P.No.1 of 2015

K.Ramesh

.. Petitioner

vs

1.The Assistant Executive Engineer
Unit - 10, Corporation of Chennai
Zonal Office - IV, Chennai

2.The Executive Engineer
(Town Planning),
RDC North, Chennai

3.The Secretary to Government
Housing and Urban Development
Department
Secretariat, Chennai 9

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records relating to the order dated 29.12.2014, in Notice No.D/490/2014 passed by the first respondent and quash the same.

For Petitioner : Mr.R.Syed Mustafa
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 18.02.2015, against the order of locking, sealing and demolition notice dated 29.12.2014, passed by the first 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 18.02.2015, and pass orders on merits and in accordance with law, within the statutory period. 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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

- 1.The Assistant Executive Engineer
Unit - 10, Corporation of Chennai
Zonal Office - IV, Chennai
- 2.The Executive Engineer
(Town Planning),
RDC North, Chennai
- 3.The Secretary to Government
Housing and Urban Development
Department
Secretariat, Chennai 9

+ 1 cc to Mr.G. Anantharangan, Advocate SR.11493
+ 1 cc to Mr.R. Syed Mustafa, Advocate SR.2904
+ 1 cc to the Government Pleader Sr.11669

W.P.No.5639 of 2015

VD(CO)
EU 16.03.15

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