

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM:

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

W.P. No.10548 of 2016

R. Varadaraj

Petitioner

vs.

- 1 The Secretary to Government
Housing and Urban Development Department
Secretariat
Fort St. George
Chennai 600 009
- 2 The Commissioner
Corporation of Chennai
Ripon Building
Chennai
- 3 The Regional Deputy Commissioner
(Central Enforcement)
No.36 B II Cross Street
Pulla Avenue
Shenoy nagar, Chennai 600 030
- 4 The Executive Engineer
Zone 10
Corporation of Chennai
No.64-NSK Salai
Kodambakkam
Chennai 600 024

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the petitioner's appeal for interim stay on merits and in accordance with law, till the petitioner's statutory appeal disposed of by the Government and also to forbear the respondents 2, 3 and 4 from interfering with by locking and sealing and demolishing of the main building at No.5, Padmanaban Pillai Street, Kodambakkam, Chennai 600 024, pending determination of the appeal petition dated 23.12.2014 under Section 80(1) and 80(3)(a) of the Town and Country Planning Act, 1971.

For petitioner Mr. S. Ilamvaluthi

For R1 Mr. G. Sai Baba
Government Advocate

For RR 2 to 4 Mr. R. Arunmozhi
Standing Counsel

- - - - -

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. G. Sai Baba, learned Government Advocate, accepts notice for the first respondent. Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for respondents 2 to 4. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner's case before us is that he preferred a revision before the first respondent under Section 80(1) of the Tamil Nadu Town and Country Planning Act, 1971, on 23 December 2014. Notwithstanding the time prescribed in the statute to dispose of the revision within 90 days, the first respondent has not taken any step to consider the revision and pass appropriate orders within the stipulated time. Thus, the petitioner is compelled to prefer this writ petition.

3 We have been repeatedly observing that in a case, where, there is an allegation of illegal or unlawful construction or encroachment, the authorities must act swiftly to dispose of the representation/revision/application/appeal within the prescribed statutory period. In the case on hand, indisputably, no step has been taken by the revisional authority to decide the revision.

4 According to the learned counsel for the petitioner, without disposing of the petitioner's revision, the authorities are proceeding to take further action against the petitioner.

5 The learned Government Advocate submits that the pending revision preferred by the petitioner will be examined and considered on its own merits and in accordance with law within a period of three weeks from today.

6 In view of the above submission of the learned Government Advocate, it is ordered accordingly.

The writ petition stands disposed of with the above observation. Costs made easy.

cad

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to Government
Housing and Urban Development Department
Secretariat
Fort St. George
Chennai 600 009
- 2 The Commissioner
Corporation of Chennai
Ripon Building
Chennai
- 3 The Regional Deputy Commissioner
(Central Enforcement)
No.36 B II Cross Street
Pulla Avenue
Shenoy nagar
Chennai 600 030
- 4 The Executive Engineer
Zone 10
Corporation of Chennai
No.64-NSK Salai
Kodambakkam
Chennai 600 024

+ 1 cc to Mr.R.Arunmozhi, Advocate, SR 18086

+ 2 cc to M/s.S.Ilamvaluthi, Advocate, SR 17980

vd(co)
prk4/4

W.P. No.10548 of 2016