

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2016
Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No. 690 of 2014

R. Jayachandran

...Petitioner

Vs.

1. The Housing and Urban Development Department,
rep. by its Secretary to Government,
Fort St. George, Chennai - 600 009.
2. The Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the first respondent to pass appropriate order on the Appeal filed before them on 18.07.2012, by the petitioner filed against the order passed by the second respondent in Lr.No.L1/10790/2011, dated 16.03.2012, within the stipulated time.

For Petitioner : Mr.P.Thiagarajan
For Respondent-1 : Mr.R.M.Muthukumar
Government Advocate
For Respondent-2 : Mr.K.Rajasrinivas
Standing Counsel

O R D E R

The petitioner has filed this Writ Petition to direct the first respondent to pass appropriate orders on the Appeal filed by the petitioner before the first respondent against the order passed by the second respondent.

2. Heard the learned counsel appearing for the petitioner.
3. It is not necessary to go into the factual matrix of the case with regard to the merits of the Appeal, and it is suffice to note from the reply given under the Right to Information Act, dated 11.06.2013, that the Appeal filed by the petitioner, dated 18.07.2012, is yet to be disposed of. In the said reply under Right to Information Act, the petitioner has been informed that after remarks are received from the second respondent/CMDA, the petitioner will be given an opportunity to

submit further representation, but, the petitioner would state that, even during the pendency of the Writ Petition, he was not favoured with any communication till date.

4. Though the first respondent was served with notice and entered appearance, no counter affidavit has been filed, nor, any written instruction has been given to the learned Government Advocate, who is appearing on their behalf. Therefore, this Court is constrained to dispose of the Writ Petition based on the available materials on record.

5. In the light of the above, there will be a direction to the first respondent to consider and dispose of the Appeal Petition filed by the petitioner, dated 18.07.2012, , if not already disposed of, after issuing notice to the petitioner and affording opportunity of personal hearing to the petitioner and thereafter, pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.
sd

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Housing and Urban Development Department,
rep. by its Secretary to Government,
Fort St. George, Chennai - 600 009.
2. The Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore, Chennai - 600 008.

+ 1 cc to Mr.K.Raja Shirinivas Advocate SR 20768

+ 1 cc to Mr.P.Thiagarajan, Advocate SR 21007

+ 1 cc to Govt.Pleader SR 20967

sr(co)
prk22/4

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