

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2016

CORAM

THE HON'BLE Mr.JUSTICE K.KALYANASUNDARAM
and
THE HON'BLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.18009 of 2016
and W.M.P.No.15802 of 2016

G.Venkatesan

.. Petitioner

Vs

1.The Corporation of Chennai,
Rep by its Commissioner,
Ripon Building, Chennai-3.

2.The Executive Engineer,
Town Planning [Enforcement]
O/o.Regional Deputy Commissioner [North],
Corporation of Chennai,
Basin Bridge Road, Chennai-21.

3.The Government of Tamil Nadu,
Rep by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for Writ of Mandamus forbearing the respondents 1 and 2 or anybody on their behalf from initiating any action of locking and sealing and demolition of the Petitioner's building put up at New No.36 (Old No.160) Portuguese Church Street, Seven Wells, Chennai-1 till the disposal of petitioner's Appeal petition dated 24.04.2015 submitted under section 80-A of the Tamil Nadu Town and Country Planning Act with the Government, 3rd respondent herein.

For Petitioners : Mr.L.Chandrakumar

For 1st Respondent : Mr.R.Arunmozhi
Standing Counsel for
Corporation

For Respondents
2 and 3

: Mr.P.Sanjay Gandhi, AGP

O R D E R

[Order of the court made by K.KALYANASUNDARAM, J.]

The Writ Petition is filed to issue a Writ of Mandamus forbearing the respondents 1 and 2 or anybody on their behalf from initiating any action of locking and sealing and demolition of the Petitioner's building put up at New No.36 (Old No.160) Portuguese Church Street, Seven Wells, Chennai-1 till the disposal of petitioner's Appeal petition dated 24.04.2015 submitted under section 80-A of the Tamil Nadu Town and Country Planning Act with the Government, 3rd respondent herein.

2. Heard the learned counsel for the petitioner, learned Standing Counsel appearing for the 1st respondent/Corporation and the learned Additional Government Pleader appearing for the respondents 2 and 3.

3. The petitioner has filed appeal petition before the 3rd respondent, challenging the Notice, dated 10.04.2015. An appeal was preferred on 24.04.2015, within few days from the date of receipt of the impugned order. According to the petitioner, the 3rd respondent has not taken up the said appeal and as such, there is a possibility of sealing the premises by the 1st respondent. The petitioner has produced copy of the appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act and the Stay Petition filed under Section 80-A (3) of the said Act.

4. Mr.P.Sanjay Gandhi, the learned Additional Government Pleader, would submit that the stay petition would be disposed of within two weeks from the date of receipt of a copy of this order.

5. We direct the 3rd respondent to consider and dispose of the stay petition filed by the petitioner, on merits and in accordance with law, as expeditiously as possible, and in any case, within a period of two weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

vsi/gya

To

- 1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-3.
 - 2.The Executive Engineer,
Town Planning [Enforcement]
O/o.Regional Deputy Commissioner [North],
Corporation of Chennai,
Basin Bridge Road, Chennai-21.
 - 3.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-9.
- + 1 cc to M/s. R. Arunmozhi, Advocate Sr.28516
- + 3 ccs to Mr.R. Mohan, Advocate Sr.28404

W.P.No.18009 of 2016
and
W.M.P.No.15802 of 2016

PPA(CO)
EU 31.05.16



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