

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.18010 of 2016  
and W.M.P.No.15803 of 2016

K.Pushparajan

..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  
Central, Corporation of Chennai,  
2nd Cross Street, Pullah Avenue,  
Shenoy Nagar, Chennai-30.

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 from initiating any coercive action of locking and sealing with regard to the building put up at Flat No.26, Lambert Nagar II Main Road, Virugambakkam, Chennai-78 pending determination of the appeal petition under section 80-A of the Town and Country Planning Act dated 02.09.2015 which was re-submitted on 27.10.2015 to the 3<sup>rd</sup> respondent herein.

For Petitioners : Mr.L.Chandrakumar

For 1<sup>st</sup> Respondent : Mr.R.Arunmozhi

For R2 and R3 : 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 from initiating any coercive action of locking and sealing with regard to the building put up at Flat No.26, Lambert Nagar II Main Road, Virugambakkam, Chennai-87 pending determination of the appeal petition under section 80-A of the Town and Country Planning Act dated 02.09.2015 which was re-submitted on 27.10.2015 to the 3<sup>rd</sup> respondent herein.

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

3. The petitioner has filed an appeal before the 3<sup>rd</sup> respondent, challenging the Notice, dated 06.08.2015. An appeal was preferred on 02.09.2015, within few days from the date of receipt of the impugned order. According to the petitioner, the 3<sup>rd</sup> respondent has not taken up the said appeal and as such, there is a possibility of sealing the premises by the 1<sup>st</sup> 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 3<sup>rd</sup> 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.

+1cc to M/s.R. Arunmozhi, Advocate, S.R.No.28516  
+3ccs to Mr.R. Mohan, Advocate, S.R.No.

PPA (CO)  
EU(31/05/2016)

W.P.No.18010 of 2016  
and  
W.M.P.No.15803 of 2016



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