

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 19.5.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.18157 of 2016

- 1 D.Rajappa
2 Tmt.R.Jayalakshmi ... Petitioners
- versus
- 1 The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, St. Fort George,
Chennai 600 009.
- 2 The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building No.1 Gandhi,
Irwin Road Egmore Chennai 600 008.
- 3 The Executive Officer,
Naravarikuppam Town Panchayat, Redhills,
Chennai 600 052.
- 4 B.Dhayalan ... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus forbearing the Respondents from demolishing the petitioners commercial building by namely D.R.Super Market and Furniture, situated at Survey no. 86/2 Naravarikuppam Village G.N.T.Road, Red hills Chennai 600 056 till the pending disposal of the statutory appeal dated 27.04.2016 filed by the petitioners which is pending on the file of the 1st Respondent.

For petitioners : Mr.Naveen Kumar Murthi
for Mr.B.Gopalakrishnan

For Respondents : Mr.P.Sanjay Gandhi, A.G.P., for R-1
Mr.C.Johnson, for R-2

O R D E R

(made by K.KALYANASUNDARAM, J.)

The petitioners have filed this Writ Petition seeking Writ of Mandamus forbearing the respondents from demolishing the petitioners' commercial building, pending disposal of the statutory appeal dated 27.4.2016, filed by them.

2. The learned counsel for the petitioners would submit that aggrieved over the order passed by the third respondent dated 21.4.2016, the petitioners have preferred an appeal before the first respondent on 27.4.2016. However, when an order was passed in the contempt petition in Cont.P.No.1893 of 2012, dated 28.4.2016, pendency of the appeal was not brought to the notice of this court.

3. The learned counsel further submitted that the petitioners would be satisfied if a direction is issued to the first respondent to dispose of the stay petition as well as the appeal filed by the petitioners dated 27.4.2016, within a stipulated time.

4. Considering the submissions made by the learned counsel for the petitioners, this Writ Petition is disposed of directing the first respondent to pass orders in the stay petition filed along with the appeal on merits and in accordance with law, within a period of two weeks and dispose of the appeal, within six weeks therefrom. The petitioners are at liberty to move an application to review the order passed in the contempt petition.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.15920 to 15922 of 2016 are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary to Government,
Housing and Urban Development Department,
Secretariat, St. Fort George,
Chennai 600 009.

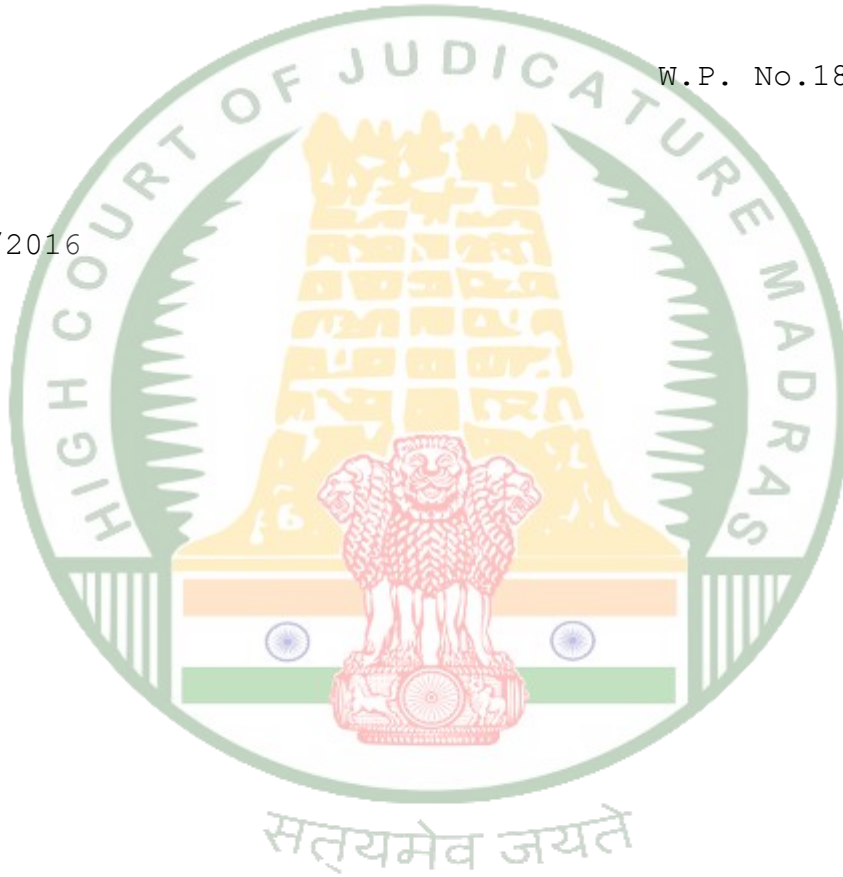
2 The Member Secretary ,
Chennai Metropolitan Development Authority ,
Thalamuthu Natarajan Building No.1 Gandhi,
Irwin Road Egmore Chennai 600 008.

3 The Executive Officer,
Naravarikuppam Town Panchayat, Redhills,
Chennai 600 052.

+1cc to Mr.B.Gopalakrishnan, Advocate Sr.28411
+1cc to Mr.C.Johnson, Advocate Sr.28427

W.P. No.18157 of 2016

pa(CO)
srg 20/05/2016



WEB COPY