

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.8.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.27040 of 2016
and
W.M.P.No.23221 of 2016

M/s.Mangalam Foundations
Rep by its Partners

1 S.Manojkumar
2 S.Sunil Petitioners

Versus

1 The Government of Tamilnadu
Rep by its Secretary
Housing & Urban Development Department
Secretariat Fort St. George
Chennai-600 009

2 The Regional Deputy Commissioner
Greater Chennai Corporation
O/o. Regional Deputy Commissioner(North)
No.62 Basin Bridge Road
Chennai-600 021

3 The Executive Engineer
RDC (North Office)
Zone-V Greater Chennai Corporation
Chennai

4 The Assistant Executive Engineer
Division-57 Unit-13 Zone-V
Sowcarpet Chennai-600 001 Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the 2nd to 4th respondents from in any way interfering with the building at New No. 37 Old No.41 Veerappan Street Sowcarpet Chennai-600 001, particularly by way of De-Occupation notice and pending final determination of the appeal dated 10.06.2016 pending with the 1st respondent under section 80A of the Tamil Nadu Town and Country Planning Act 1971.

For petitioners : Mr.D.Balachandran

For R1 : Mrs.A.Srijayanthi,
Special Govt. Pleader

For RR2 to 4 : Mr.A.Nagarajan

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed seeking issuance of a writ of mandamus forbearing the 2nd to 4th respondents from in any way interfering with the building at New No. 37 Old No.41 Veerappan Street Sowcarpet Chennai-600 001, particularly by way of De-Occupation notice and pending final determination of the appeal dated 10.06.2016 pending with the 1st respondent under section 80A of the Tamil Nadu Town and Country Planning Act 1971.

3. It appears that the petitioners, who claim to be the absolute owners of the building at New No.37, Old No.41, Veerappan Street, Sowcarpet, Chennai, sought permission for demolishing the existing building and to construct a new building and in the process of putting up the new construction, they received the impugned de-occupation notice dated 6.4.2016 and challenging the same, the petitioners had preferred an appeal before the first respondent which is now pending.

4. The petitioners had already filed appeal under section 80A of the Tamil Nadu Town and Country Planning Act, 1971, before the first respondent. In the circumstances, this court is of the view that it is for the first respondent to dispose of the appeal submitted by the petitioners. Accordingly, the writ

petition is disposed of directing the first respondent to dispose of the appeal filed by the petitioners, on merits and in accordance with law, within a period of two months from the date of receipt of copy of this order. No costs. The connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Secretary
The Government of Tamilnadu
Housing & Urban Development Department
Secretariat Fort St. George
Chennai-600 009
- 2 The Regional Deputy Commissioner
Greater Chennai Corporation
O/o. Regional Deputy Commissioner(North)
No.62 Basin Bridge Road
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Sowcarpet Chennai-600 001

+1 cc to Mr.D.Balachandran Advocate sr 48431
+1 cc to M/s.A.Nagarajan Advocate sr 48364
+1 cc to M/s Government Pleader sr 48663

W.P.No.27040 of 2016

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