

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2016

CORAM

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

Writ Petition No.28046 of 2016
and
WMP.No.24200 of 2016

M.Ashraf

... Petitioner

Vs.

1. The Secretary
Government of Tamil Nadu
Housing and Urban Development
Fort St.George
Chennai-600 009
2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003
3. The Executive Engineer
Town Planning Enforcement
Office of Regional Joint Commissioner
Corporation of Chennai
Adyar, Chennai-600 020
4. Asst.Executive Engineer
Enforcement
Regional Deputy Commissioner Office Central
Corporation of Chennai, Zone VIII
Pulla Avenue, Chennai-600 030
5. Asst.Engineer
Corporation of Chennai
Zone IX, Division No.111,
No.4, 4th Cross Street,
Lakeview Road
Chennai-600 034

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider appeal petition filed under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent dated 26.07.2016.

For Petitioner : Mr.T.Velumani

For Respondents : Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader for R1

Mr.A.Nagarajan, for R2 to R5

O R D E R

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

Heard Mr.T.Velumani, learned counsel for the petitioner, Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader, accepting notice for the 1st respondent and Mr.A.Nagarajan, learned counsel for respondents 2 to 5.

2. The averments in the Writ Petition is as follows:-

The petitioner and 13 other members are the absolute owners in respect of the entire premises bearing Door No.7/4. Ghulam Abbas Ali Khan 1st Lane, Thousand Lights, Chennai-600 006 and constructed the building. The respondents 2 to 5 inspected the property and issued a locking and seal notice dated 02.03.2015 and yet another notice on 16.04.2015, for which the petitioner is stated to have given objections on 29.02.2016. The petitioner also filed a Revision before the Appellate Authority, the 1st respondent herein, seeking to set aside the order dated 02.03.2015 and Notice dated 16.04.2015. Now, the petitioner has approached this court seeking a direction to the 1st respondent to consider the said appeal petition filed under Section 80-A of the Act.

3. Since the appeal dated 26.07.2016 filed under Section 80A of the Act is pending before the 1st respondent, the 1st respondent is directed to consider and pass appropriate orders on the said application within 3 months from the date of receipt of a copy of this order, after affording opportunity to the petitioner to raise all his contentions. Till a decision is taken by the 1st respondent in this regard, the respondents are directed not to take any coercive steps against the petitioner.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Secretary
Government of Tamil Nadu
Housing and Urban Development
Fort St.George, Chennai-600 009
2. The Commissioner
Corporation of Chennai
Rippon Buildings, Chennai-600 003
3. The Executive Engineer
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4. The Assistant Executive Engineer
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Pulla Avenue, Chennai-600 030
5. The Assistant Engineer
Corporation of Chennai
Zone IX, Division No.111,
No.4, 4th Cross Street,
Lakeview Road, Chennai-600 034

+lcc to Mr.T.Velumani, Advocate, S.R.No.46061
+lcc to Mr.A.Nagarajan, Advocate, S.R.No.45893
+lcc to the Government Pleader, S.R.No.46151

W.P.No.28046 of 2016

MSM(CO)
CA(01/09/2016)