

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.29175 of 2016
AND WMP.Nos.25228 and 25229 of 2016

J.Babulal

...Petitioner

vs.

1. The Government of Tamil Nadu
Rep. by the Secretary
Housing and Urban Development department
Fort St.George
Chennai-600 009
- 2.The Executive Engineer
Zone 4
Corporation of Chennai
Thiruvottiyur High Road
Chennai-600 021
- 3.The Assistant Executive Engineer
Unit 10
Corporation of Chennai
Thiruvottiyur High Road
Chennai-600 021
- 4.The Assistant Engineer
Division-39
Corporation of Chennai
Thiruvottiyur High Road
Chennai-600 021

5.N.Mohanavel Murugan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the connected records on the file of the respondents 2 to 4 under Ref.No.EE/Zone-IV/003/2006 dated 25.07.2016 and to quash the same as illegal, invalid, non-est in the eyes of law, and direct the 1st respondent herein to dispose of of the Petitioner's Appeal dated 13.06.2016 presented before the 1st respondent under Section 80-A of the Town and Country Planning Act, 1971.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.R.Prathap Kumar,
Addl.Govt.Pleader for R1
Mr.A.Nagarajan, for R2 and R3

O R D E R

(Order of the Court was made by R.SUBBIAH,J.)

Heard Mr.R.Thiagarajan, learned counsel for the petitioner, Mr.A.Prathap Kumar, learned Additional Government Pleader, accepting notice for the 1st respondent and Mr.A.Nagarajan, learned Standing counsel accepting notice for the 2nd respondent. Notice to the 5th respondent is dispensed with at this stage, as no adverse order is passed against him.

2. It is averred in the Writ Petition that the petitioner, as against the Notice dated 30.05.2016 issued by respondents 2 to 4, preferred appeal before the 1st respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, seeking to set aside the same. It is further stated that pending consideration of the said appeal, respondents 2 to 4, again issued the impugned Notice dated 25.07.2016, under Section 56 and 57 of the Town and Country Planning Act, 1971, asking the petitioner to deoccupy the said premises within 15 days from the notice. Now, the petitioner is before this court seeking to quash the notice dated 25.07.2016 and for a further direction to the 1st respondent to dispose of the Petitioner's appeal dated 13.06.2016.

3. We have heard the submissions made by the learned counsel on either side and perused the documents placed on record.

4. Taking into consideration that the petitioner's appeal dated 13.06.2016 is pending consideration, the 1st respondent is directed to consider and dispose of the same within the statutory period of 3 months from the date of filing appeal, after affording an opportunity of hearing to the petitioner. Till a decision is taken in the appeal filed under Section 80-A of the Act, respondents 2 to 4 shall not take any coercive action against the petitioner.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMPs are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nvsri

To

1. The Secretary
The Government of Tamil Nadu
Housing and Urban Development department
Fort St.George
Chennai-600 009
- 2.The Executive Engineer
Zone 4
Corporation of Chennai
Thiruvottiyur High Road
Chennai-600 021
- 3.The Assistant Executive Engineer
Unit 10
Corporation of Chennai
Thiruvottiyur High Road
Chennai-600 021
- 4.The Assistant Engineer
Division-39
Corporation of Chennai
Thiruvottiyur High Road
Chennai-600 021

+2 cc to Mr.R.Thiagarajan Advocate sr 11254,50233dt 09/09/2016

+1 cc to Mr.A.Nagarajan Advocate sr 47574

+2 ccs to Government Pleader sr 47951 47697

WEB COPY

Writ Petition No.29175 of 2016

aa07/09/2016