

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 19-09-2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.30070 of 2016

J.Siddique

...Petitioner

-vs-

1.The Member Secretary,
Chennai Metropolitan
Development Authority,
Egmore,
Chennai-8.

2. The Secretary to Government,
Housing and Urban Development Dept.,
Fort St. George,
Secretariate Chennai-9.
(R2 impleaded vide order of Court
dated 19.09.2016, in WMP.No.28634/16 in
WP.No.30070 of 2016)

...Respondent

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari to call for the records relating to the proceedings of the respondent in its Letter No.EC/N-1/2912/2015, dated 23.08.2016, and quash the same.

For petitioner : Mr.V.Vijay Shankar

For respondent-1 : Mr.K.Raja Shrinivas

For Respondent-2 : Mr.P.S. Sivashanmugasundram,
Special Government Pleader

O R D E R

(Order of the Court was made by Huluvadi G.Ramesh, J.)

Heard the learned counsel for the parties.

2. Admittedly, as against the proceedings of the respondent regarding Locking & Sealing and Demolition Notice, dated 25.03.2015, the petitioner has filed an appeal before the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act and the same is pending. The violation pointed out by the respondent is that the petitioner has put up construction in fourth and fifth floors, in contravention

of the approved plan. Such being the case, when the statute provides for an appeal provision before the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act and the fact remains that unless the petitioner demonstrates prima facie that he has got a case, normally, this Court would not interfere to pass interim order. However, it is for the authority concerned, which is dealing with the matter either in the appeal or in other proceedings, to dispose of the matter in accordance with law, by affording an opportunity to the petitioner. In such circumstances, the petitioner is not entitled to any interim benefit from this Court. Therefore, we direct the authority concerned/Government, before whom the appeal is pending, to dispose of the appeal filed by the petitioner within a period of two months from the date of receipt of a copy of this order.

3. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.No.26058 of 2016 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dixit

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.

2. The Secretary to Government, Housing and Urban
Development Authority, Fort St. George,
Secretariat Chennai-9

+ 1 cc to Mr.V. Vijay Shankar, Advocate SR.53268
+ 1 cc to Mr.K. Raja Shrinivas, Advocate SR.53640
+ 1 cc to Government Pleader Sr.53483

W.P.No.30070 OF 2016

GJII(CO)
Eu 22.11.16