

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.38885 of 2016

1. K.M.A.Zainulabdin
 2. K.M.Ahamed Mohideen
 3. K.M.Zainulabdin
 4. K.M.Mahmood Sulaiman
 5. K.M.Najmuddin
 6. K.M.Saleem
 7. K.S.Zainulabdin
 8. K.S.L.Azeezuddin
 9. K.S.Abdur Rawoof
 - 10.K.H.Zainulabdin
 - 11.A.K.Syed Abdul Khader
 - 12.A.K.Kaleelur Rahman
 - 13.P.M.Mohamed Thamby
 - 14.P.M.Mohamed Farook
 - 15.P.M.Abdul Gaffar
 - 16.K.Z.Shaik Abdul Kader
 - 17.K.B.Ashab
- ... Petitioners

vs.

1. The Government of Tamil Nadu
rep. by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai - 600 009.
 2. Chennai Metropolitan Development Authority
rep. by its Member Secretary
No.1, Gandhi Irwyn Road
Egmore, Chennai - 8.
 3. Greater Chennai Corporation
rep. by its Executive Engineer
Division - 60, Unit - 13
Zone V, Perambur
Chennai - 600 011.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 2 and 3 to forbear them from in anyway interfering with the building at No.157 (76), Angappa Naicken Street, Mannaday, V.O.C.Nagar, Chennai - 600 001, particularly by way of locking and sealing and or demolition of the same, pending final determination of the application under Section 80(A) of the Act dated 20.9.2016

by the first respondent and the application under Section 49 of the Act dated 12.9.2016 by the second respondent.

For Petitioners : Mr.D.S.Rajasekaran

For Respondents : Mr.T.N.Rajagopalan
Special Govt. Pleader
for 1st respondent
Mr.N.Sampath
for 2nd respondent
Mr.V.C.Selvasekaran
for 3rd respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

We have perused the material filed by the petitioners.

2. The learned counsel for the petitioners states that the application filed by the petitioners on 12.9.2016 under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971 before the second respondent was returned on 27.9.2016 and has been re-submitted on 1.11.2016.

3. The learned counsel appearing for the second respondent states that a decision will be taken on this application within a maximum period of three weeks from today.

4. The learned counsel for the petitioners states that the fate of this decision would have a ramification on the other application filed by the petitioners under Section 80A of the said Act before the first respondent. Thus, those proceedings will commence dependent on the fate of the decision by the second respondent.

We dispose of this petition with the aforesaid directions. No costs. Consequently, W.M.P.No.33319 of 2016 is closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To:

1. The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Secretariat, Chennai - 600 009.

2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwyan Road
Egmore, Chennai - 8.

3. The Executive Engineer
Greater Chennai Corporation
Division - 60, Unit - 13
Zone V, Perambur
Chennai - 600 011.

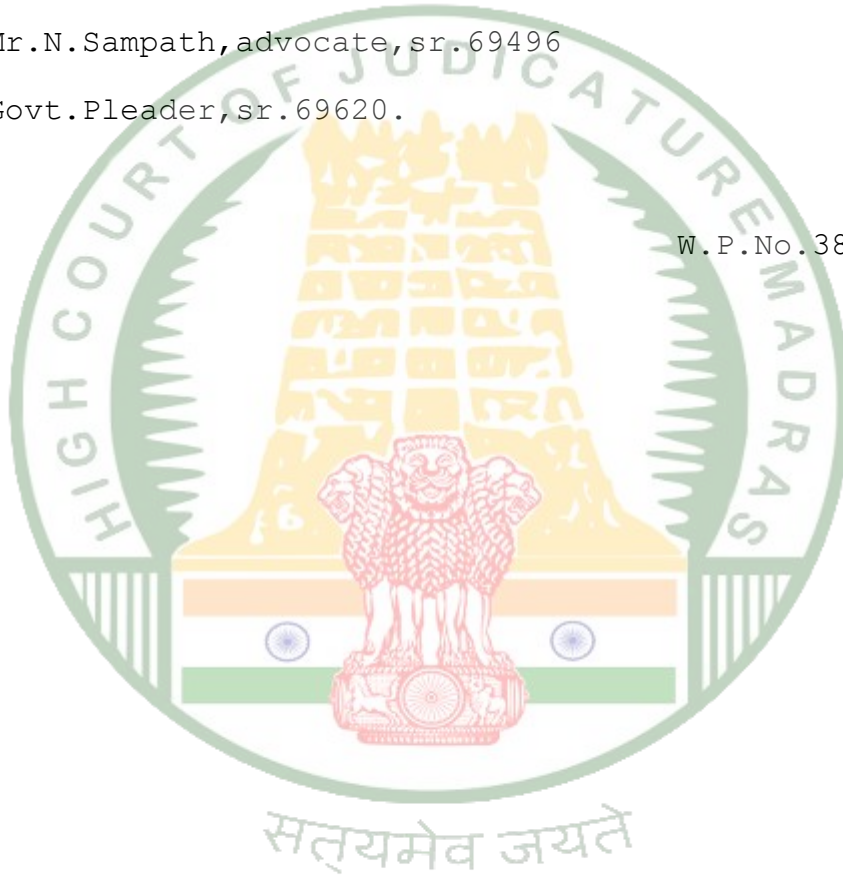
+1 cc to Mr.Rajasekaran,advocate,sr.69800

+1 cc to Mr.N.Sampath,advocate,sr.69496

+1 cc to Govt.Pleader,sr.69620.

mg(co)
krd 8/12

W.P.No.38885 of 2016



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