

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.4254 of 2016
and
W.M.P.No.3599 of 2016

1.B.Champalal
2.B.Bharathkumar ... Petitioners

Vs.

1.The Government of Tamil Nadu
rep. by its Secretary,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.

2.The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

3.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.

4.The Executive Engineer,
Zone III, Corporation of Chennai,
Chennai.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents 2 to 4 from in any way interfering with the building at Old No.11, New No.38-A and 38-B, Kondithopu, Sowcarpet, Chennai - 79 particularly by way of locking and sealing and demolition pending final determination of the appeal dated 30.12.2015 pending with the first respondent under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioners .. Mr.D.Balachandran

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1
Mr.N.Sampath for R2
Mr.R.Arunmozhi for R3 and R4

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2.The writ petition is filed, seeking a direction to forbear respondents 2 to 4 from in any way interfering with the building at Old No.11, New No.38-A and 38-B, Kondithopu, Sowcarpet, Chennai - 79 particularly by way of locking and sealing and demolition pending final determination of the appeal dated 30 December 2015 preferred under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971 on the file of the first respondent.

3.Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader appearing for the first respondent would submit that information has been collected from all the concerned authorities and the final decision on the pending appeal will be taken within a period of four weeks.

4.In view of the above submission made by the learned Special Government Pleader, it is ordered accordingly. So far as interim direction is concerned, it is open to the petitioners to approach the first respondent for interim direction in the pending appeal, if so advised.

5.With the aforesaid observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

mmi

To

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

2.The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

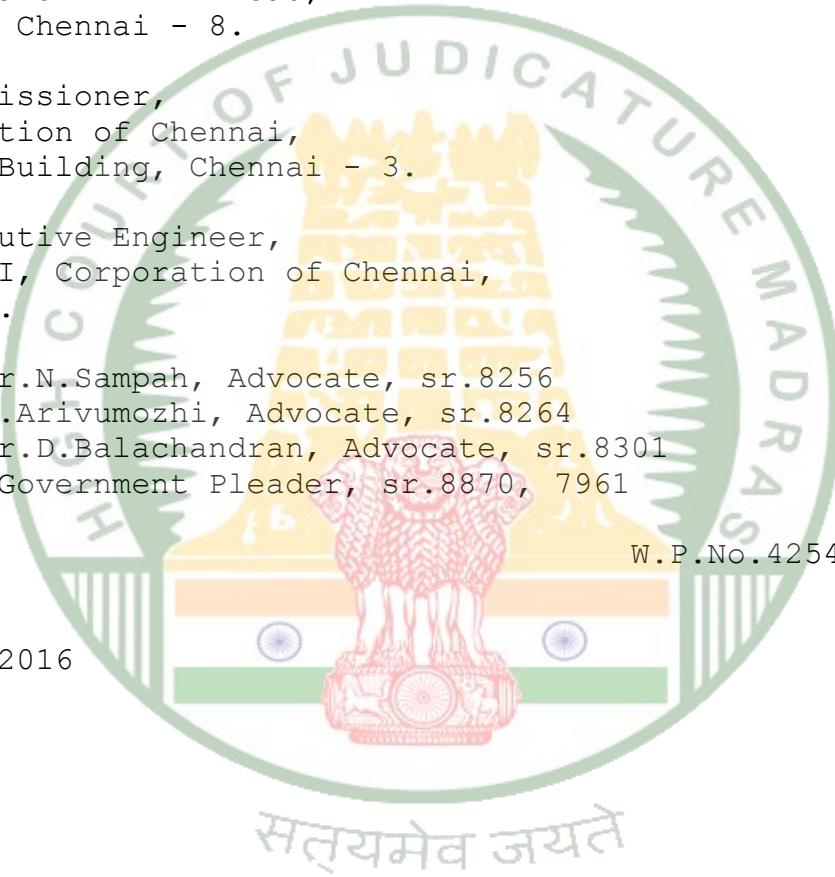
3.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.

4.The Executive Engineer,
Zone III, Corporation of Chennai,
Chennai.

+1 cc to Mr.N.Sampah, Advocate, sr.8256
+1 cc to R.Arivumozhi, Advocate, sr.8264
+1 cc to Mr.D.Balachandran, Advocate, sr.8301
+2 ccs to Government Pleader, sr.8870, 7961

W.P.No.4254 of 2016

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