

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2016

CORAM

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.4442 of 2016
and
W.M.P.No.3771 of 2016

Kesavan

.. Petitioner

Vs.

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

2.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 3.

3.The Executive Engineer
TP (Enforcement), RDC (S)
Corporation of Chennai,
Adyar, Chennai - 20.

4.Assistant Executive Engineer,
Unit 40, Corporation of Chennai,
Chennai - 20.

5.Assistant Engineer,
Division 173,
Corporation of Chennai,
Chennai.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to dispose of the direction petition of the petitioner dated 29.01.2016 filed along with the appeal filed by the petitioner U/s 79 and 80A of the Tamil Nadu Town and Country Planning Act challenging the locking and sealing notice dated 25.06.2015 in Notice No.434/15 dated 25.06.2015 and the de-occupation notice 18.01.2016 issued by the Corporation of Chennai.

For Petitioner .. Mr.P.Solomon Francis

For Respondents.. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1
Mr.A.Nagaraj for R2 to R5

ORDER

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

The petitioner filed a statutory appeal (sic.) application under Sections 79 and 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent, challenging the order passed by the second respondent. The petitioner now seeks a writ of mandamus directing the first respondent to consider and dispose of the appeal as expeditiously as possible.

2.Learned Special Government Pleader, on instructions, submits that the appeal papers are not available with the first respondent and as such it would not be possible to process the appeal.

3.The petitioner is permitted to represent the appeal before the first respondent within a period of one week from today. In case appeal is represented along with an application for stay, necessarily, the interlocutory application shall be considered and disposed of by the first respondent as expeditiously as possible, and in any case, within a period of two weeks from the date of representation.

4.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

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

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Corporation of Chennai,
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5.The Assistant Engineer,
Division 173,
Corporation of Chennai, Chennai.

+1cc to Mr.P.Solomon Francis, Advocate sr.9103
+1cc to Mr.A.Nagarajan, Advocate sr.9064

W.P.No.4442 of 2016

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srg 16/03/2016

सत्यमेव जयते

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