

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE S.VIMALA

W.P.No.4496 of 2016

M/s.Sathrasala Venkatachalam
Chetty Estate, Rep. by its
Executor Mr.Sharath Babu,
S/o Sathrasala Sugunakar,
No.168 and 169, NSC Bose Road,
Chennai-600 079. ... Petitioner

Vs.

1. Government of Tamilnadu,
Rep. by its Secretary to Government and
Housing and Urban Development Department,
Secretariat, Chennai-600 009.
2. Corporation of Chennai, rep. by
its Commissioner,
Rippon Buildings, Chennai-600 003.
3. Corporation of Chennai,
Rep. by its Executive Engineer,
Zonal Officer-V,
No.61, Basin Bridge Road,
Chennai-79. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to consider and pass orders on the petitioner's application, dated 12.10.2015 under Section 79(5) of the Town and Country Planning Act for removal of lock and seal affixed on the petitioner's building on 21.12.2014 at No.166-169, NSC Bose Road, Sowcarpet, Chennai-600 079, with respect to the sanctioned portion of ground and first floor and re-seal the second floor pending determination of regularisation of the same by the first respondent on the Appeal under Section 79 of the Town and Country Plannig Act, 1971, filed by the petitioner on 10.09.2015.

For petitioner : Mr.D.S.Rajasekaran

For respondents: Mr.P.S.Siva Shanmugha Sundaram,
Spl.G.P.
for R-1
Mr.V.C.Sselvasekaran for RR-2 & 3

ORDER

(The Order of the Court was made by M.Venugopal,J)

The petitioner has filed the present Writ Petition praying for passing of an order by this Court by directing the first respondent to consider and pass orders on the petitioner's application, dated 12.10.2015 under Section 79 (5) of the Tamil Nadu Town and Country Planning Act, for removal of lock and seal affixed on the petitioner's building on 21.12.2014 at No.166-169, NSC Bose Road, Sowcarpet, Chennai-600 079, with respect to the sanctioned portion of ground and first floor and re-seal the second floor pending determination of regularisation of the same by the first respondent on the Appeal under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, filed by the petitioner on 10.09.2015.

2. Heard both sides.

3. It comes to be known that the petitioner has filed an appeal on 10.09.2015 under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971 and the same is pending before the first respondent. On 15.09.2015, the first respondent had addressed a letter/communication to the Member Secretary of Chennai Metropolitan Development Authority (with a copy of the letter being marked to the petitioner), by calling for the remarks.

4. Considering the fact that the petitioner's application under Section 79(5) of the said Act is admittedly pending before the first respondent/Government of Tamil Nadu, represented by Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai, this Court, in the interest of justice, fair play and good conscience and even as a matter of prudence, directs the first respondent to take up the petitioner's application under Section 79(5) of the said Act, within a period of one week from the date of receipt of a copy of this order and to dispose of the said application within a period of four weeks thereafter, after providing necessary opportunity of hearing to the petitioner and others

concerned. It is needless to state that the first respondent is to pass a reasoned and speaking order on merits and in qualitative and quantitative terms and that too in a dispassionate manner, uninfluenced and untrammelled by any of the observations made by this Court in this Writ Petition.

5. With the above observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cs

To

1. The Secretary to Government
Government of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.
2. Corporation of Chennai,
its Commissioner,
Rippon Buildings, Chennai-600 003.
3. The Executive Engineer,
Corporation of Chennai
Zonal Officer-V,
No.61, Basin Bridge Road,
Chennai-79.

1 cc to MR.D.S. Rajasekaran, Advocate, Sr. 7597
1 cc to Government Pleader, Sr. 8246

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