

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2016

CORAM:

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

W.P. No.5169 of 2016 and W.M.P. No.4543 of 2016

Uttamchand Bafna

Petitioner

Vs.

- 1 The Government of Tamil Nadu
represented by its Secretary
Housing and Urban Development
Department Secretariat
Fort St. George, Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development
Authority (CMDA)
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008
- 3 The Commissioner
Corporation of Chennai
Ripon Building, Chennai 600 003
- 4 The Executive Engineer
Zone V, Corporation of Chennai
Chennai
- 5 The Deputy Planner
Enforcement Cell (North)
Chennai Metropolitan Development
Authority (CMDA)
Chennai 600 008

Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus forbearing the respondents 2 to 4 from in any way interfering with the building at No.90/288, Thambu Chetty Street, V.O.C. Nagar, Chennai 600 001, particularly, by way of locking and sealing and demolition, pending final determination of the appeal dated 13.01.2016, pending with the first respondent under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971.

For petitioner Mrs. S. Meenakumari
For R1 Mr. P.S. Sivashanmugasundaram
Special Government Pleader
For RR 2 & 5 Mr. N. Sampath, Standing Counsel
For RR 3 & 4 Mr. V.C. Selvasekaran,
Standing Counsel

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. N. Sampath, learned Standing Counsel, accepts notice for respondents 2 and 5. Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 3 and 4. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus forbearing the respondents 2 to 4 from in any way interfering with the building at No.90/288, Thambu Chetty Street, V.O.C. Nagar, Chennai 600 001, particularly, by way of locking, sealing and demolition, pending final determination of the appeal dated 13 January 2016 before the first respondent under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 The learned Special Government Pleader appearing for the first respondent submits that the Committee concerned has already been constituted and a decision on the petitioner's appeal filed under Section 79 of the Act, as pleaded by the learned counsel for the petitioner, will be taken within a period of four weeks.

4 In view of the aforesaid submission made by the learned Special Government Pleader, no further order is necessary in this writ petition.

The writ petition stands disposed of accordingly sans costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Secretary
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat
Fort St. George, Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
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- 5 The Deputy Planner
Enforcement Cell (North)
Chennai Metropolitan Development Authority (CMDA)
Chennai 600 008

+1cc to M/s.D. Balachandran, Advocate, S.R.No.8778

+1cc to M/s. N.Sampath, Advocate, S.R.No.8789

सत्यमेव जयते

W.P. No.5169 of 2016

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