

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2016

CORAM

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

W.P. No.7596 of 2016
and
W.M.P.No.6828 of 2016

R.G.Srinivasan .. Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development
Department,
Government of Tamil Nadu,
Fort St. George, Chennai.
2. The Commissioner,
Town and Country Planning,
No.807, Anna Salai,
Chennai - 2.
3. The Member Secretary (Incharge),
Kumbakonam Local Planning Authority,
No.93/8, Kamarajar Salai,
Kumbakonam. .. 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 consider the Special Revision Petition and the interim application for stay dated 11.02.2016 filed by the petitioner against the notice of the third respondent dated 05.02.2016 under reference Na.Ka.No.647/2013/KLPA and forbearing the second and third respondents from initiating any coercive action of locking and sealing the building put up in the property bearing Door Nos.23, 24 and 25 comprised in T.S.Nos.1325, 1325/3, 1325/4, 1339, 1340 and 13341, Ward No.5, Mahamaham Mel Karai, Kumbakonam Taluk, Kumbakonam - 612 001.

For Petitioner .. Mr.AR.L.Sundaresan, Sr. Counsel
for Ms.AL.Ganthimathi

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal at the stage of admission.

2.This writ petition is directed against the notice dated 05 February 2016 whereby and whereunder, the Local Planning Authority, Kumbakonam directed the petitioner to remove the alleged illegal construction, failing which, it was indicated that appropriate action would be taken to lock and seal the premises within a period of 15 days.

3.The notice issued by the third respondent is now the subject matter of an appeal before the statutory authority. The appeal was filed on 16 February 2016 along with a petition for interim stay.

4.Though the petitioner challenges the notice issued by the Local Planning Authority, the learned senior counsel, on instructions, submits that the petitioner would be satisfied, in case a direction is given to the statutory authority to dispose of the stay petition within a specified period.

5.Learned Special Government Pleader, taking notice on behalf of the respondents, submitted that the stay petition would be disposed of within a period of two weeks.

6.The first respondent is directed to consider and dispose of the stay petition filed by the petitioner on 16 February 2016 on merits and as per law. Such exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. Status quo as on today shall be maintained till the disposal of the stay petition by the first respondent. There shall be a further direction to the first respondent to dispose of the statutory appeal as expeditiously as possible.

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

-s/d-
Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
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Kumbakonam Local Planning Authority,
No.93/8, Kamarajar Salai,
Kumbakonam.
- + 1 cc to Mrs.AL.Ganthimathi, Advocate, SR 13299

kgk(co)
prk8/3

W.P.No.7596 of 2016

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