

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM:

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

W.P. Nos.9404 to 9406 of 2016 and W.M.P. Nos.8389-8391 of 2016

J. Venugopal ..Petitioner in W.P. No.9404 of 2016
P. Anandraj Swaminathan ..Petitioner in W.P. No.9405 of 2016
N.S. Shanmugam ..Petitioner in W.P. No.9406 of 2016

Vs.

- 1 The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajar Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Commissioner
Corporation of Chennai
Ripon Building
No.113, Periyar EVR Salai
Park Town, Chennai 600 003
- 4 The Executive Engineer
TP-Enforcement
Central Regional Office
II Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030

Respondents

Prayer in W.P. No.9404 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider on merits and dispose of the appeal petition filed on 12.08.2015 under Section 80-A of the Town and Country

Planning Act, 1971 and further forbear the respondents 2 to 4 from taking any enforcement action against the petitioner's building in Flat No.1, Block No.334 in Galaxy Apartments, II Avenue, Anna Nagar, Chennai 600 040.

Prayer in W.P. No.9405 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider on merits and dispose of the appeal petition filed on 22.04.2015 under Section 80-A of the Town and Country Planning Act, 1971 and further forbear the respondents 2 to 4 from taking any enforcement action against the petitioner's building in Flat No.11, Block No.332 in Galaxy Apartments, II Avenue, Anna Nagar, Chennai 600 040.

Prayer in W.P. No.9406 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider on merits and dispose of the appeal petition filed on 22.04.2015 under Section 80-A of the Town and Country Planning Act, 1971 and further forbear the respondents 2 to 4 from taking any enforcement action against the petitioner's building in Flat No.12, Block No.332 in Galaxy Apartments, II Avenue, Anna Nagar, Chennai 600 040.

For Petitioner in
all the WPs : Mr. S.J. Jagadev

For R1 in
all the WPs : Mr. P.S.Sivashanmugasundaram
Special Government Pleader

For R2 in
all the WPs : Mr. N. Sampath, Standing Counsel

For RR 3 & 4 in : Mr. R. Arunmozhi,
all the WPs Standing Counsel

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

With consent, the writ petitions are taken up for final disposal.

2 These writ petitions are filed seeking a writ of mandamus directing the first respondent to consider and dispose

of the appeal petitions (sic) applications filed by the petitioners on 12 August 2015, 22 April 2015 and 22 April 2015 respectively under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") and forbear the respondents 2 to 4 from taking any enforcement action against the petitioners' respective buildings.

3 According to the learned counsel for the petitioners, the time prescribed under the Act to dispose of the applications filed under Section 80-A, *ibid*, is 90 days. Albeit more than 90 days have elapsed from the date of filing of applications, till date, no decision has been taken on the same. As such, a direction be issued to the first respondent to consider and decide the petitioners' applications at the earliest and till such time, further direction be issued to the respondents 2 to 4 not to dispossess the petitioners or take any enforcement action against them.

4 On 14 March 2016, when the writ petitions were taken up for admission, time was granted to the learned Special Government Pleader appearing for the first respondent to seek instructions about the status of the applications. Today, we are informed by the learned Special Government Pleader that the petitioners' applications are not traceable.

5 On a perusal of the documents, we find that the aforesaid applications were duly received and acknowledged by the first respondent, as is evident from the photocopies of the concerned acknowledgments given by the office of the first respondent, annexed with the writ petitions.

6 However, having regard to the facts situation, we direct the petitioners to supply, at once, a set of applications, with documents, if any, annexed to the applications, within a period of one week. Thereafter, the first respondent is directed to consider the petitioners' applications and pass orders on the same, on their own merits and in accordance with law, within a period of two weeks. It is made clear that till such time, the respondents 2 to 4 shall not take any enforcement action against the petitioners.

The writ petitions stand disposed of with the above directions and observation. Costs made easy. Connected W.M.Ps. are closed.cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

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TP-Enforcement
Central Regional Office
II Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030
- + 1 cc to Mr. R. Arunmozhi, Advocate Sr 19795
- + 2 ccs to Mr. S.J. Jagadev, Advocate Sr 19094, 19095
- + 2 ccs to Mr.N.Sampath, Advocate Sr 19318, 19319
- + 1 cc to The Govt.Pleader, Sr 19606

KR 1/4/16

सत्यमेव जयते

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