

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.9795 of 2016 and W.M.P. No.8782 of 2016

G. Vasantha

Petitioner

Vs.

1 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008

2 The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009

3 The Principal Secretary/Commissioner
Corporation of Chennai
Chennai 600 003

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first and second respondents to dispose of the petitioner's appeal filed on dated 18.12.2014 bearing no.22465/UD-V/2014-10 dated 27.08.2015 matter within a reasonable time.

For petitioner Mr.P.J. Sri Ganesh

For R1 Mr. C. Johnson, Standing Counsel

For R2 Mr. G. Sai Baba, Government Advocate

For R3 Mr. R. Arunmozhi, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. C. Johnson, learned Standing Counsel, Mr. G. Sai Baba, learned Government Advocate, and Mr. R. Arunmozhi, learned Standing Counsel, accept notice for respondents 1, 2 and 3, respectively. With consent, 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 directing the respondents 1 and 2 to dispose of the petitioner's appeal filed on dated 18 December 2014 bearing no.22465/UD-V/2014-10 within a reasonable time.

2 The petitioner's case is that pursuant to filing of the appeal under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, before the second respondent, the matter was remitted back to the Chennai Metropolitan Development Authority, the first respondent herein, for submission of report. Even the report has been submitted by the first respondent to the second respondent. Still, no consequential action has been taken thereafter by the second respondent. Thus, a direction be issued to the second respondent, who is the appellate authority, to consider the case on merits and pass final orders on the petitioner's appeal, in accordance with law.

3 The learned Government Advocate appearing for the second respondent submits that if the report has been received by the second respondent, the same will be considered and appropriate orders will be passed in the petitioner's appeal, on merits and in accordance with law, within a period of four weeks.

4 In view of the above submission of the learned Government Advocate appearing for the second respondent, it is ordered accordingly.

The writ petition stands disposed of with the aforesaid observation. Costs made easy. Connected W.M.P. is closed.

Sd/-

Asst.Registrar (AS)

/true copy/

Sub Asst. Registrar

cad

To

1 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008

2 The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009

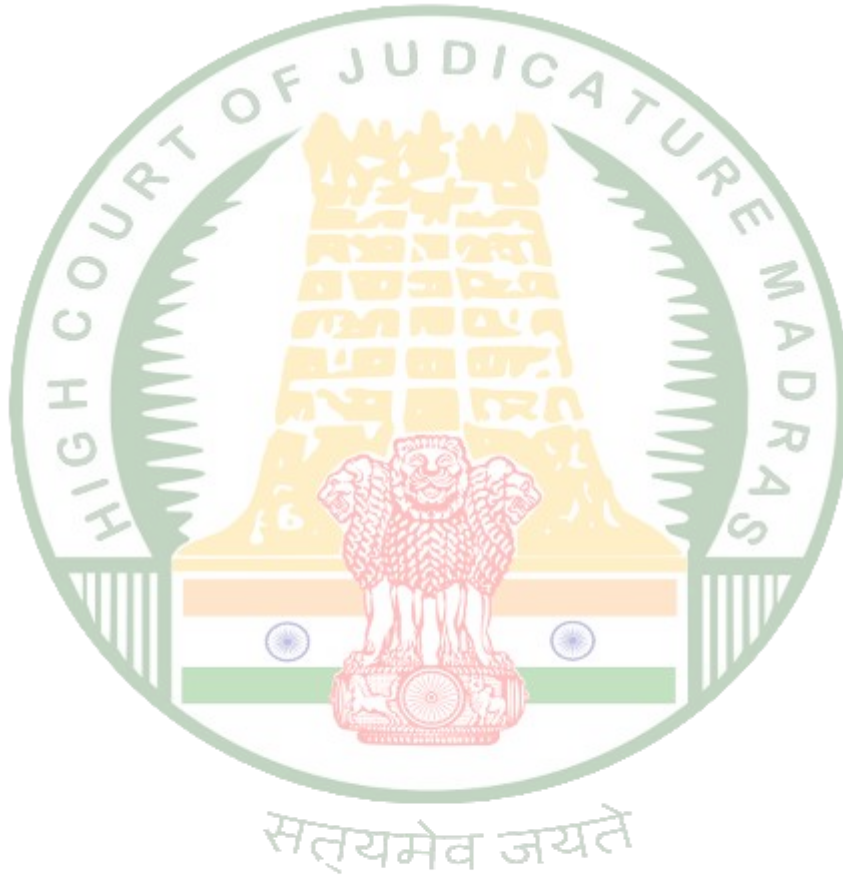
3 The Principal Secretary/Commissioner
Corporation of Chennai
Chennai 600 003

1 cc to Mr.R. Arunmozhi, SR. 20664
1 cc to Government Pleader, Sr. 20952
1 cc to Mr.C. Johnson, SR. 21506

+ 1 cc to Mr.P.J.Sri Ganesh, Advocate Sr 21544 (22/04/2016)

W.P. No.9795 of 2016

VGI (CO)
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