

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5278 of 2017

R.Rakesh

.. Petitioner

Vs

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai-9.
2. Chennai Metropolitan Development Authority
Rep. by its Member Secretary
No.1, Gandhi Irwin Road, Egmore
Chennai-8.
3. Corporation of Chennai
Rep. by Executive Engineer
Zone VI, No.5
Anderson Salai
Ayanavaram, Chennai-23.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 2 and 3 to forbear them from in anyway interfering with the building at Flat G1, situated at No.97, Perambur High Road, Perambur, Chennai-12 particularly by way demolition of flat pending determination of petitioner's application dated 24.2.2017 under Section 80(A) of the Tamil Nadu Town and Country Planning Act 1971 by the 1st respondent.

For Petitioner

: Mr.S.Thiruvengadam

For Respondents

: Mr.R.Vijayakumar
Addl. Government Pleader
for 1st respondent
Mr.K.Rajasrinivas
for 2nd respondent

Mr.R.Arunmozhi
for 3rd respondent

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent. Mr.K.Rajasrinivas, learned counsel takes notice for the second respondent and Mr.R.Arunmozhi, learned counsel takes notice for the third respondent.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing respondents 2 and 3 to forbear them from in anyway interfering with the building at Flat G1, situated at No.97, Perambur High Road, Perambur, Chennai-12 particularly by way demolition of flat pending determination of petitioner's application dated 24.2.2017 under Section 80(A) of the Tamil Nadu Town and Country Planning Act 1971 by the 1st respondent.

4. The petitioner is the owner of the flat in question. Alleging that there was unauthorized construction the Corporation authorities by notice dated 8.10.2016 directed the petitioner to remove the unauthorized construction within two weeks. Appeal filed by the petitioner under Section 80A of the said Act is pending before the first respondent. However, no orders have been passed by the first respondent till date. Hence, the present writ petition.

5. Considering the facts and circumstances of the case, we direct the first respondent to consider the appeal filed by the petitioner on 24.2.2017 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner within three months from the date of receipt of a copy of this order. Till the disposal of the appeal, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5594 of 2017 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sasi

To:

1. The Secretary
State Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai.

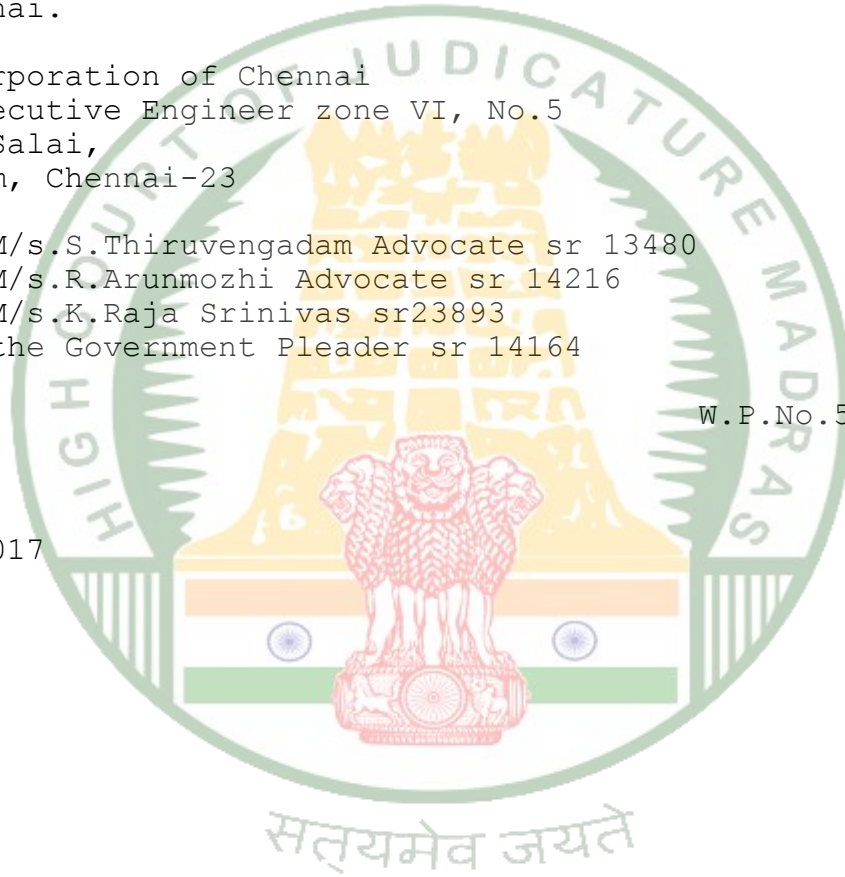
2. The Commissioner
Corporation of Chennai
Rippon Building
Chennai.

3. The Corporation of Chennai
Rep by Executive Engineer zone VI, No.5
Anderson Salai,
Ayanavaram, Chennai-23

+1 cc to M/s.S.Thiruvengadam Advocate sr 13480
+1 cc to M/s.R.Arunmozhi Advocate sr 14216
+1 cc to M/s.K.Raja Srinivas sr23893
+1 cc to the Government Pleader sr 14164

W.P.No.5278 of 2017

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