

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2017

CORAM

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

AND

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4293 of 2017

1. A.Ranjith
2. R.Sowmiya ... Petitioners
- Vs.
1. The Appellate Authority
Secretary to Government
Town and Country Planning Department
Secretariat, Chennai-9.
2. The Regional Deputy Commissioner (South)
Enforcement Cell
Adayar, Chennai-20.
3. The Executive Engineer
TP (Enforcement), South
Adayar, Chennai-20.
4. The Assistant Executive Engineer
Union-38, Adayar, Chennai-20.
5. The Junior Engineer
Division No.176
Adayar, Chennai-20. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the 1st respondent herein to dispose the petitioners Appeal No..... of 2016 (unnumbered) which was filed on 12.09.2016 within a stipulated time.

For Petitioner

: Ms.T.Gnana Banu

For Respondents

: Mr.T.N.Rajagopalan
Spl. Government Pleader
for 1st respondent

Mr.V.C.Selvasekaran
for respondents 2 to 5

ORDER

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

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the first respondent and Mr.V.C.Selvasekaran, learned counsel takes notice for respondents 2 to 5.

2. Heard the learned counsel for the parties.

3. The petitioners have filed this petition seeking issuance of a writ of Mandamus to direct the 1st respondent herein to dispose the petitioners unnumbered appeal which was filed on 12.09.2016 within a stipulated time.

4. The petitioners purchased the property in the year 2015. Even prior to their purchase, a two floor building was in existence. The second respondent issued a notice and it was stated that no proper permission has been obtained to construct the building. Thereafter, lock and seal notice was issued on 21.4.2016 and in that notice, it was stated that stop work notice was issued on 5.4.2016. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and pending the same, the present writ petition is filed for the relief stated supra.

5. Considering the facts and circumstances of the case, we direct the first respondent to dispose of the appeal filed by the petitioners in accordance with law within three months from the date of receipt of a copy of this order. In the interregnum, the respondent/authorities shall not take any coercive steps. The petitioners are at liberty to produce all the requisite documents before the first respondent.

The petition is disposed of accordingly. No costs. Consequently, W.M.P.No.4492 of 2017 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Appellate Authority
Secretary to Government
Town and Country Planning Department
Secretariat, Chennai-9.
2. The Regional Deputy Commissioner (South)
Enforcement Cell
Adayar, Chennai-20.
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5. The Junior Engineer
Division No.176
Adayar, Chennai-20.

+1cc to Mr.Rajinikanth, Advocate, S.R.No.11557
+1cc to Government Pleader Sr.11190

MG(CO)
EU 2/03/17

W.P.No.4293 of 2017

सत्यमेव जयते

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