

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2017

CORAM

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

W.P.No.5520 of 2017

S.Balan

.. Petitioner

Vs.

1. The Secretary to Government
Tamil Nadu Housing and
Urban Development
Department, Secretariat,
Fort St. George
Chennai-09.
2. The Executive Engineer
Unit-1, Zone-1, Corporation of
Greater Chennai
Thiruvottiyur, Chennai-19.
3. The Assistant Executive Engineer
Unit-1, Zone-1, Corporation of
Greater Chennai
Thiruvottiyur, Chennai-19.
4. The Assistant Engineer
Unit-1, Zone-1, Division-2
Corporation of Greater Chennai
Kathivakkam High Road
Chennai-57.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 1st respondent to consider and dispose of the petitioner's Appeal dated 24.02.2017 and further directing respondents 2 to 4 not to take any coercive steps in respect of notice dated 27.12.2016 in Notice No.333 of 2016 including demolishing the petitioner's residential house at No.13/21, Anna Nagar, First Street, Ennore, Chennai-600 057 till the disposal of the above appeal.

For Petitioner : Mr.L.Chandrakumar

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

Mr.V.C.Selvasekaran
for respondents 2 to 4

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. Mr.V.C.Selvasekaran, learned counsel takes notice for respondents 2 to 4.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus to direct the 1st respondent to consider and dispose of the petitioner's Appeal dated 24.02.2017 and further direct respondents 2 to 4 not to take any coercive steps in respect of notice dated 27.12.2016 in Notice No.333 of 2016, including demolishing the petitioner's residential house at No.13/21, Anna Nagar, First Street, Ennore, Chennai-600 057, till the disposal of the above appeal.

4. Calling into question the lock and seal and demolition notice dated 27.10.2016, the petitioner has preferred an appeal before the first respondent on 24.2.2017 and the same is pending consideration. Apprehending that the respondent/authorities may take coercive action pending disposal of the appeal, 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 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.5871 of 2017 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Secretary to Government
Tamil Nadu Housing and urban Development
Department, Secretariat, Fort St. George
Chennai-09.
2. The Executive Engineer
Unit-1, Zone-1, Corporation of Greater Chennai
Thiruvottiyur, Chennai-19.
3. The Assistant Executive Engineer
Unit-1, Zone-1, Corporation of Greater Chennai
Thiruvottiyur, Chennai-19.
4. The Assistant Engineer
Unit-1, Zone-1, Division-2
Corporation of Greater Chennai
Kathivakkam High Road
Chennai-57

+ 1 cc to M/s. L. Chandrakumar, Advocate SR.14409

+ 1 cc to Government Pleader Sr.14710

RSI (CO)
EU 10.03.17

W.P.No.5520 of 2017

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