

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.05.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.Nos.13417/2017

WMP No.14462/2017

Anant M.Patel

.... Petitioner

Vs

1.The Secretary to Government,
Department of Housing and Urban Development
Government of Tamil Nadu, Secretariat,
Fort St.George,
Chennai-9.

2.The Commissioner,
Corporation of Greater Chennai,
Chennai-600 003.

3.The Assistant Executive Engineer,
Zone V, Division No.60,
Corporation of Greater Chennai,
Chennai-600 001.

4.The Assistant Engineer,
Zone V, Division No.60,
Corporation of Greater Chennai,
Chennai-600 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the Respondents 2 to 4 in any manner taking any further or coercive steps or action pursuant to the stop work notice and notice calling for approved plan in Notice No.05/00474/2017 dated 6.3.2017 issued by the respondents 3 and 4, pending disposal of the application dated 10.05.2017 filed by the petitioner before the 1st respondent.

For Petitioner : Mr.M.Govindaraju for
Mr.W.M.Abul Majeed
For R-1 : Mr.M.K.Subramaniam, GP
For RR-2to4 : Mr.V.C.Selvasekaran

ORDER

[Order of the court was made by R.MAHADEVAN, J.,]

Heard Mr.W.M.Abul Majeed learned counsel appearing for the petitioner, Mr.M.K.Subramaniam, learned Government Pleader for the 1st respondent and Mr.V.C.Selvasekaran, learned counsel appearing for the respondents 2 to 4.

2. Seeking an order against respondents 2 to 4 from initiating any coercive action of locking any sealing and also demolition of the building for violating the building rules, the petitioner is before this Court. It is specifically alleged that without providing any opportunity and considering the pendency of appeal the respondents 2 to 4 are insisting the petitioner for de-occupation.

3. Admittedly, the petitioner filed the Special Revision Petition under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 10.05.2017 along with stay application which is said to be pending.

4. Since, the petitioner moved the Appellate/Revisional Authority along with stay petition, we are inclined to direct the Appellate Authority-the first respondent herein to pass appropriate order in the stay application after providing due opportunity of hearing to the petitioner within a period of two weeks from the date of receipt of a copy of this order and decide the appeal on merits thereafter.

With this direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rj /KP

To

1.The Secretary to Government,
Department of Housing and Urban Development
Government of Tamil Nadu, Secretariat,
Fort St.George,
Chennai-9.

2.The Commisioner,
Corporation of Greater Chennai,
Chennai-600 003.

3.The Assistant Executive Engineer,
Zone V, Division No.60,
Corporation of Greater Chennai,
Chennai-600 001.

4.The Assistant Engineer,
Zone V, Division No.60,
Corporation of Greater Chennai,
Chennai-600 001.

+1cc to Mr.W.M.Abdul Majeed, Advocate Sr.37846

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srg 12/06/2017

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