

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 9.5.2018
CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.12174 of 2018
and
W.M.P.No.14205 of 2018

T.A.Murugan

Petitioner

Vs

1 The State rep. by
Secretary to Government,
Department of Housing and Urban
Development,
Government of Tamil Nadu,
Fort St. George, Secretariat
Chennai-600 009

2 The Executive Engineer
Zone 10 Unit 31,
Greater Corporation of Chennai,
No.117, NSK Salai, Kodambakkam,
Chennai 600 024.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the second respondent herein from discontinuing the occupation of the residential premises situated at Old Door No.2 New Door No.3 VOC Colony 2nd Street Kodambakkam Chennai 600 024 pursuant to the Notice bearing No.Z.O.X.C.No.10573/2017 dated 26.04.2018 issued by the second respondent herein subsequent to the locking and sealing notice bearing No.Z.O.X.C.No.10573/2017 dated 01.03.2018 till the revision filed by the petitioner before the first respondent under section 80(A) of the Tamil Nadu Town and Country Planning Act 1971 is decided on merits and in accordance with law.

For petitioner : Mr.V.B.Thirupathikumar

For R1 : Mr.R.Udayakumar

For R2 : Mr.A.Nagarajan

ORDER

(Order of the court was made by V.PARTHIBAN, J.)

The writ petition has been filed by the owner of the subject property, challenging the impugned notice for de-occupation and lock and seal of the premises, issued under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 with regard to certain deviations in the construction.

2. It is represented by the learned counsel appearing for the petitioner that as against the impugned notice, an appeal has been preferred under Section 80(A) of the Tamil Nadu Town and Country Planning Act and the same is pending.

3. Though an appeal has been preferred before the appellate authority, the petitioner has come before this court seeking some relief in the meanwhile. In the circumstances of the case, the appellate authority is directed to dispose of the appeal said to have been filed by the petitioner under section 80(A) of the Act, on merits and in accordance with law on or before 31.8.2018. However, in the meanwhile, there shall be a direction to maintain status quo. The petitioner also shall not create any encumbrance or third party right over the property in question till then.

With the above observation, the writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Vacation officer

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Secretary to Government,
Department of Housing and Urban
Development,
Government of Tamil Nadu,
Fort St. George, Secretariat
Chennai-600 009

2 The Executive Engineer
Zone 10 Unit 31,
Greater Corporation of Chennai,
No.117, NSK Salai, Kodambakkam,
Chennai 600 024.

+1cc to Mr.R.ARULMOZHI Advocate, S.R.No.33335
+2cc to Mr.U.B.THIRUPATHI KUMAR, Advocate, S.R.No. 33531
+1cc to the Government Pleader, S.R.No. 33358

W.P.No.12174 of 2018

KAN(CO)
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