

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.AUDIKESSAVU

W.P.No.12248 of 2018
and
W.M.P.No.14304 of 2018

P.Sivasubbu

Petitioner

Vs

- 1 The Secretary to Government,
Housing and Urban Development Department ,
Fort St. George, Chennai-600 009
- 2 The Executive Engineer
Zone 10 Division No.127,
Greater Corporation of Chennai,
New No.117, Old No.64, NSK Salai,
Near Power House Bus Stop,
Kodambakkam, Chennai 600 024.
3. The Assistant Executive Engineer,
Zone 10 Division No.127,
Greater Corporation of Chennai,
New No.117, Old No.64, NSK Salai,
Near Power House Bus Stop,
Kodambakkam, Chennai 600 024.
4. The Assistant Engineer,
Zone 10 Division No.127,
Greater Corporation of Chennai,
New No.117, Old No.64, NSK Salai,
Near Power House Bus Stop,
Kodambakkam, Chennai 600 024.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of respondents 2 to 4 herein pertaining to the impugned de-occupation notice dated 02.05.2018 in letter No.10/00003/2018 and quash the same.

For petitioner : Mr.V.Meenakshisundaram

For R1 : Mr.R.Udayakumar

For R2 to R4 : Mr.R.Arulmozhi

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 for the petitioner that the petitioner had already preferred an appeal under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 and the appeal is yet to be disposed of. In the circumstances of the case, there shall be a direction to the appellate authority to dispose of the appeal on or before 31.8.18. In the meanwhile, status quo shall be maintained. It is also made clear that the petitioner shall not make any encumbrance or create any third party right over the property in question. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

To:

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

+1cc to Mr.R.Arulmozhi, Advocate sr.no.33337

+1cc to Government Pleader in sr.no.33362

W.P.No.12248 of 2018

nr 11/05/2018