

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. No.22661 of 2010

and

M.P. No.1 of 2010

A. Arunagiri ... Petitioner
Versus

1. The Member Secretary,
Chennai Metropolitan Development Authority
Thalamuthu Natarajan, Egmore,
Chennai.
2. The Secretary to Government,
Housing & Urban Development,
Fort St. George, Secretariat,
Chennai - 9. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus to direct the respondents to remove the seal and lock made to the building situated at Door No. 3/104, Plot No.2, Raghava Nagar VI Cross, Medavakkam Main Road, Kilkattalai Village, Chennai - 91 notwithstanding the pending of appeal under Sec. 79 of Town and Country Planning Act.

For Petitioner : Mr.V. Manohar

For Respondents: Mr.N.Sampath,
Standing Counsel for R1
Mr.A.Ansar,
Government Advocate for R2

ORDER

Heard Mr. V. Manohar, learned counsel for the petitioner, Mr.N.Sampath, learned Standing Counsel for R1 and Mr.A.Ansar, learned Government Advocate for R2.

2. This writ petition has been filed seeking issuance of writ of mandamus to direct the respondents to remove the lock and seal made to the petitioner's building at Door No. 3/104, Plot No.2, Raghava Nagar VI Cross, Medavakkam Main Road, Kilkattalai Village, Chennai - 91.

3. The learned counsel for the petitioner submitted that when the petitioner's appeal was pending before the second respondent, the first respondent has issued lock and seal notice, which was stayed by this Court. The learned counsel would submit that the petitioner would be satisfied that if a direction is issued to the second respondent to dispose of the appeal filed by the petitioner, which was admitted on 25.08.2010.

4. The learned counsel for the respondents submitted that the appeal of the petitioner would be disposed of on merits.

5. In the light of the above submission, this writ petition stands disposed of with a direction to the second respondent to dispose of the appeal of the petitioner on merits and in accordance with law after providing an opportunity to all necessary parties. Till such time, respondents 1 and 2 are directed to maintain statusquo. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Member Secretary,
Chennai Metropolitan Development Authority
Thalamuthu Natarajan, Egmore,
Chennai.
2. The Secretary to Government,
Housing & Urban Development,
Fort St. George, Secretariat,
Chennai - 9.

+1cc to Mr.V.Manohar Advocate SR.No.21575
+1cc to Mr.N.Sampath Advocate SR.No.21325
+1cc to the Government Pleader SR.No.22381

W.P. No.22661 of 2010

SDR 11.04.2018