

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.14449 of 2010
and MP.No.1 of 2010

K.Ramachandran

... Petitioner

Vs.

1.The Executive Officer,
Maduravoil III Grade Municipality,
Chennai.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the first respondent in Letter No.880/2007/A2 dated 01.07.2010 and consequential order in proceedings Letter No.225/2010/A2 dated 01.07.2010 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For R1 : Mr.I.Paranthaman

For R2 : Mr.P.S.Ganesh

ORDER

Challenging the demolition notice dated 01.07.2010 issued by the first respondent under Section 57 r/w Section 85 of the Town and Country Planning Act, the petitioner has come up with the present writ petition.

2.On 23.08.2010, while admitting the writ petition, this Court has extended the order of interim stay already granted, until further orders.

3.Today, when the matter is taken up for consideration, the learned counsel for the petitioner fairly submitted that it would suffice, if the petitioner is given liberty to approach the Appellate Authority to challenge the order impugned in this writ petition, for which, the learned counsel appearing for the respective respondents have no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court disposes of this writ petition, granting liberty to the petitioner to approach the Appellate Authority with an appeal along with stay application within a period of two weeks from the date of receipt of a copy of this order. On such filing, the Appellate Authority shall consider the stay application first and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of two weeks thereafter. Till such time, the order of interim stay granted by this Court shall stand extended. No costs. Accordingly, M.P.No.1 of 2010 stands disposed of.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Executive Officer,
Maduravoil III Grade Municipality,
Chennai.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

+1cc to Mr.P.S.Ganesh, Advocate Sr.41167
+1cc to Mr.V.Raghavachari, Advocate Sr.41647

W.P.No.14449 of 2010

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srg 02/08/2018