

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.16914 of 2018
and
W.M.P.No.20127 of 2018

Ebenezer Inbaraj

... Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. by Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai 600 009
- 2.The Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai 600 008.
- 3.The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.
- 4.The Executive Engineer,
Zone-7, Greater Chennai Corporation,
Ambattur, Chennai 600 053.
- 5.The Assistant Executive Engineer,
Unit-20, Zone-7,
Greater Chennai Corporation,
Ambattur, Chennai 600 053.
- 6.The Assistant Engineer,
Division-93, Zone-7,
Greater Chennai Corporation,
Ambattur, Chennai 600 053.

... Respondents

PRAYER :

Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to dispose the appeal filed by the petitioner dated 29.06.2018, pending before 1st respondent in accordance with law within a time limit.

For Petitioner : Mr.M.R.Senthilkumar

For Respondents : Mr.A.N.Thambidurai (for R1)
Special Government Pleader

Mr.Karthik Rajan (for R2)
Mr.A.Nagarajan (for R3 to R6)

O R D E R

This Writ Petition has been filed by the owner of the property situated at No.239A, Erode Jaganathan Street, Golden George Nagar, Chennai 600 107 comprised in Survey No.420 part measuring to an extent of 990 sq.ft., seeking a writ of mandamus to direct the 1st respondent to dispose of the appeal filed by the petitioner on 29.06.2018.

2.Heard Mr.A.N.Thambidurai, learned Special Government Pleader, appearing for the 1st respondent; Mr.Karthik Rajan, learned counsel appearing for the 2nd respondent and Mr.A.Nagarajan, learned counsel appearing for the respondents 3 to 6.

3.Since the building of the petitioner has not been constructed as per law, he was issued with notice to discontinue the occupation of the premises on 27.06.2018. The said de-occupation notice dated 27.06.2018 has been challenged by way of an appeal before the 1st respondent and an interim application has also been filed before the 1st respondent. The same is pending before the 1st respondent. Only to dispose of the said appeal, the petitioner has come before this Court.

4.The petitioner has already put up construction and is also in occupation of the petition premises. Therefore, it is appropriate to direct the 1st respondent to dispose of the appeal filed by the petitioner, within a period of six weeks from the date of receipt of copy of this order. Till the disposal of the appeal, the petitioner's possession shall not be disturbed. In case, if the 1st respondent does not dispose of the appeal, within a period of six weeks, the 1st respondent shall appear before this Court.

5.With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

6.Call the matter, either for appearance or for reporting compliance, after eight weeks, (i.e.,) on 05.09.2018.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Government of Tamil Nadu,
Rep. by Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat, Chennai 600 009
- 2.The Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai 600 008.
- 3.The Commissioner,
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- 5.The Assistant Executive Engineer,
Unit-20, Zone-7, Greater Chennai Corporation,
Ambattur, Chennai 600 053.
- 6.The Assistant Engineer,
Division-93, Zone-7, Greater Chennai Corporation,
Ambattur, Chennai 600 053.
- 7.The Section Officer, Writ Section,
High Court, Madras

+1cc to Mr.A.Nagarajan, Advocate, S.R.No.44846
+1cc to the Government Pleader, S.R.No.44889

W.P.No.16914 of 2018

PPA (CO)
CS/24/07/18