

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.28161 of 2018 and
WMP No.32819 of 2018

1.R.Jayalakshmi
2.D.Rajappa

...Petitioners

-vs-

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

2.Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Executive Officer,
Naravarikuppam Town Panchayat,
Naravarikuppam, Sengundram,
Chennai - 600 052.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to decide the application for stay filed by the petitioners herein on 15.10.2018.

For Petitioners : Mr.V.Prakash
Senior Counsel for
Mr.S.Balasubramanian

For Respondents : Mr.R.Udhayakumar
Addl.Govt.Pleader for R1 and R3
Mr.S.Thiruvengadam
for R2

O R D E R

[Order of the Court was delivered by K.K.SASIDHARAN,J.]

The petitioners after filing appeal before the statutory authority filed this writ petition to direct the first respondent to decide the interlocutory application for interim order as expeditiously as possible.

2. The appeal is stated to be pending before the first respondent. The learned Additional Government Pleader who took notice on behalf of respondents 1 and 3 submitted that the maintainability of the appeal itself would be decided by the first respondent.

3. We direct the first respondent to consider the appeal stated to have been filed by the petitioners on merits and as per law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. We make it clear that by directing the first respondent to consider the appeal, it should not be construed to be an expression of opinion with regard to the maintainability of the appeal. It is for the first respondent to take a decision in accordance with law. Status Quo as on today shall be preserved till a decision is taken by the first respondent.

4. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

svki

To

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

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Executive Officer,
Naravarikuppam Town Panchayat,
Naravarikuppam, Sengundram,
Chennai - 600 052.

+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.75092
+1cc to Mr.S.Balasubramanian, Advocate, S.R.No.75024

W.P.No.28161 of 2018

rrs 01/11/2018



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