

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.32569 of 2018

S.Arumugam

.. Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner,
The Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
3. The Executive Engineer,
Zone 5 - Corporation of Chennai,
No.62, Basin Bridge Road,
Chennai - 600 021.
4. The Assistant Executive Engineer,
Unit-12, Corporation of Chennai,
Chennai.
5. The Assistant Engineer,
Division 052,
Corporation of Chennai,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents from initiating action in pursuant to the notice of "Lock and Seal and Demolition" issued by the 3rd, 4th and 5th respondent in Letter No.05/04255/2018 dated 02.11.2018 in lieu of statutory appeal filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 dated 10.11.2018 pending with the 1st respondent.

For Petitioner : Mr.K.Udayaselvi

For Respondents: Mr.S.Kamalesh Kannan
Government Advocate
For 1st respondent

Mr.V.C.Selvasekaran
For respondents 2 to 5

O R D E R

(Order of the Court was made by M.DURAISWAMY,J.)

The petitioner has filed the above writ petition to issue a Writ of Mandamus forbearing the respondents from initiating action pursuant to the notice of lock and seal and demolition dated 02.11.2018 issued by the respondents 3 to 5 in lieu of the statutory appeal filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 dated 10.11.2018 pending with the first respondent.

2. The learned counsel appearing for the petitioner submitted that as against the lock and seal and demolition notice dated 02.11.2018, the petitioner has filed appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent along with petition seeking for interim stay. The learned counsel for the petitioner further submitted that the first respondent has not passed any order so far in the stay petition.

3. The learned Government Advocate taking notice on behalf of the first respondent submitted that the first respondent may be directed to dispose of the stay petition within a period of two weeks and also the appeal as expeditiously as possible.

4. In view of the submissions made by the learned counsel appearing in either side, without expressing anything on the merits of the matter, we direct the first respondent to pass orders in the stay petition filed by the petitioner in the appeal filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, within a period of two weeks from the date of receipt of a copy of this order. Further, we direct the first respondent to dispose of the appeal as expeditiously as possible.

5. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.37768 of 2018 is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner,
The Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
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5. The Assistant Engineer,
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Corporation of Chennai,
Chennai.

+1cc to M/s.K.Udayaselvi, Advocate, S.R.No.86377
+1cc to the Government Pleader, S.R.No.86187.

W.P.No.32569 of 2018

cp(co)
kak(04/01/2019)