

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.32068 of 2018 and  
W.M.P.Nos.37318 & 37319 of 2018

1.S.Pooja  
2.A.Sangeetha  
3.R.Swetha Kumari

.. Petitioners

Vs.

1.The Secretary to Government,  
Housing and Urban Development Department,  
Fort St.George,  
Chennai - 600 009.

2.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai - 600 003.

3.The Executive Engineer,  
Zonal VI,  
Greater Chennai Corporation,  
No.5, Anderson Road,  
Ayanavaram, Chennai - 600 023.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the 1<sup>st</sup> respondent to consider and pass orders on the petitioners appeal dated 29.11.2018 filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 and to forebear the respondents 2 & 3 from initiating any coercive action against the petitioners property bearing New Door No.385, Old No.148C (after Sub Division New Door No.1A, Old Door No.145 C), Raja Garden, Paper Mills Road, Peravallur, Chennai - 600 082 comprised in S.No.252 part, Old T.S.No.2/5 as per patta New T.S.No.2/25, Block No.33 of Peravalur Village in De-occupation notice dated 02.11.2018 in Z.O.VI.C.No.Special/2018.

For Petitioners: Mr.P.Chandrasekar

For Respondents: Mr.V.Jayaprakash Narayanan,  
Government Pleader (i/c) (R1)

Mr.V.C.Selvasekaran,  
Standing Counsel for Corporation (R2 & R3)

O R D E R

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

The petitioners have filed the above Writ Petition to issue a Writ of mandamus directing the 1<sup>st</sup> respondent to consider and pass orders on the petitioners appeal dated 29.11.2018 filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 and to forebear the respondents 2 & 3 from initiating any coercive action against the petitioners property pursuant to the De-occupation notice dated 02.11.2018.

2.The learned counsel for the petitioners submitted that the petitioners have filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 on 29.11.2018 before the 1<sup>st</sup> respondent and a direction may be given to the 1<sup>st</sup> respondent to dispose of the same within a time frame. Further, the learned counsel submitted that a de-occupation notice dated 02.11.2018 has been issued to the petitioners by the 3<sup>rd</sup> respondent, against which the petitioners preferred the appeal dated 29.11.2018 under Section 80-A of the Act before the 1<sup>st</sup> respondent.

3.The learned Government Pleader (i/c) appearing for the 1<sup>st</sup> respondent submitted that eight weeks time may be granted to the 1<sup>st</sup> respondent to dispose of the appeal filed by the petitioners under Section 80-A of the Tamil Nadu Town and Country Planning Act.

4.In view of the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, we direct the 1<sup>st</sup> respondent to dispose of the appeal preferred by the petitioners dated 29.11.2018 under Section 80-A of the Tamil Nadu Town and Country Planning Act, within a period of eight weeks from the date of receipt of a copy of this order.

5.With these observations, the Writ Petition is disposed of.  
No costs. Consequently, the connected miscellaneous petitions  
are closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,  
Housing and Urban Development Department,  
Fort St.George,  
Chennai - 600 009.
- 2.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai - 600 003.
- 3.The Executive Engineer,  
Zonal VI,  
Greater Chennai Corporation,  
No.5, Anderson Road,  
Ayanavaram, Chennai - 600 023.

+3cc to Mr.P.Chandrasekar, Advocate Sr.83412  
+1cc to the Government Pleader Sr.83636

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