

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.204 of 2019

and

W.M.P.Nos.214 and 219 of 2019

- 1.Jainulandhin
- 2.G.Magesh
- 3.Mohammed Meeran
- 4.Irshad

... Petitioners

-vs-

- 1.Government of Tamilnadu
Rep. by its Secretary,
Housing and Urban Development
Dept., Secretariat, Chennai.
- 2.Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, Chennai-3.
- 3.Greater Chennai Corporation,
Rep. by its Executive Engineer,
Zone-Vi, No.5, Anderson Road,
Ayanavaram, Chennai 600 023.

- 4.V.Chandra

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the 2nd and 3rd respondents from in anyway interfering with the building at Door No.9A, Raja Gardens, Paper Mills Road, Peravallur, Chennai-82, particularly by way of locking, sealing and demolition in accordance with 56(4)(a) of the Town and Country Planning Act, 1971, pending final determination of the petitioner's statutory appeal dated 20.12.2018 filed under Section 80(A) & 80(A(3) of the said Act, by the 1st respondent/Government.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents: Mr.S.Kamalesh Kannan,
Govt. Advocate for R-1
: Mr.V.C.Selvasekaran
Standing Counsel for RR 2 and 3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioners is against the locking, sealing and demolition notice issued under Section 56(4)(a) of the Town and Country Planning Act, 1971.

2. According to the learned counsel for the petitioners, the petitioners have preferred an appeal under Section 80A of the said Act on 20.12.2018 and the petitioners have also preferred a petition seeking stay. The learned counsel for the petitioners submitted that though the petition for stay has been moved by the petitioners, no order has been passed thereon and the petitioners apprehend that the authorities will go ahead with the locking, sealing and demolition, as stated in the notice.

3. In view of the fact that an appeal has been preferred as well stay petition has also been preferred, it would suffice if directions are issued to the first respondent, i.e., The Secretary to Government of Tamilnadu, Housing and Urban Development Department, who is the concerned authority, to consider and dispose of the stay petition preferred by the petitioners within a period of two weeks from the date of receipt of the order. The learned counsel for the petitioners also states that if the stay petition is disposed of within two weeks, he does not wish to press the prayer sought for in this writ petition.

In view of the statement made by the learned counsel for the petitioner, this writ petition is disposed of in aforesaid terms. No costs. Consequently, W.M.P.Nos.214 and 219 of 2019 are closed.

sra

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government of Tamilnadu
Housing and Urban Development
Dept. Secretariat, Chennai.

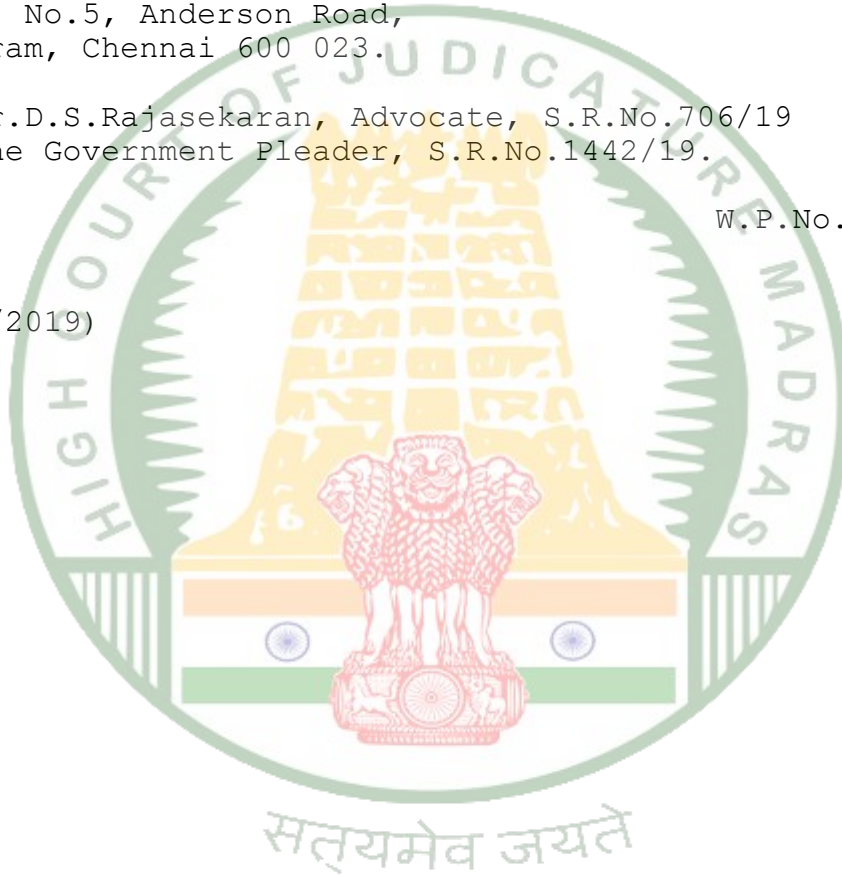
2.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-3.

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

+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.706/19
+1cc to the Government Pleader, S.R.No.1442/19.

W.P.No.204 of 2019

sj(co)
kak(25/01/2019)



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