

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM

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

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.2653 of 2019

Doss

.. Petitioner

Vs.

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Park Town, Chennai.
2. The Executive Engineer I
Zone 13, Corporation of Chennai
Zonal Office, Greater Chennai Corporation
Kamarajar Salai, Chennai.
3. The Secretary to Government
Housing and Urban Development
Fort St. George, Chennai.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus to forbear the respondents from in any manner sealing and locking or demolishing the petitioner's premises bearing No.13/15, Karikalan Street, Govindasamy Nagar, Raja Annamalaipuram, Chennai - 600 028, pending disposal of the statutory appeal filed by the petitioner under Section 80A of the Town and Country Planning Act before the third respondent.

For Petitioner

: Mr.N.A.Nissar Ahmed

For Respondents

: Mr.V.C.Selvasekaran
for respondents 1 and 2

Mr.S.Kamalesh Kannan
Government Advocate
for 3rd respondent

ORDER

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

The case of the petitioner is that he has been served with Locking & Sealing and Demolition notice dated 3.1.2019 in relation to his premises bearing No.13/15, Karikalan Street, Govindasamy Nagar, Raja Annamalaipuram, Chennai - 600 028.

2. The learned counsel for the petitioner submitted that the petitioner has preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act against the said notice and he has also preferred a stay petition on 21.1.2019. The grievance of the petitioner is that though the stay petition was filed on 21.1.2019, no order has been passed thereon and the petitioner is apprehending that his premises would be locked and sealed and demolished. The acknowledgment shows that the stay petition was received on 21.1.2019.

3. In view of the facts of the case, it would suffice to direct the third respondent, i.e., the Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai, to decide the stay petition within ten days from the date of receipt of this order and until the stay petition is decided no action shall be taken in relation to the premises of the petitioner.

4. The writ petition is disposed of in the above terms. No costs. Consequently, W.M.P.No.2933 of 2019 is closed.

The learned counsel for the petitioner as well as the learned Government Advocate to communicate this order to the third respondent, i.e., the Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
Housing and Urban Development
Fort St. George,
Chennai.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Park Town, Chennai.

3.The Executive Engineer,
Zone-13, Corporation of Chennai,
Zonal Office, Greater Chennai Corporation,
Kamarajar Salai, Chennai.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.8362

W.P.No.2653 of 2019

RSV (CO)

rrs 31/01/2019



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