

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.2938 of 2019 and

W.M.P.No.3206 of 2019

B.Gajendran

.. Petitioner

Vs.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
- 3.The Assistant Executive Officer,
Zone-15, Greater Chennai Corporation,
No.120, Rajaji Gandhi Salai,
Sholinganallur, Chennai - 600 119. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus forbearing the respondents from proceeding with the Notice No.155/2017/dn.194 dated 25.01.2018 issued by the 3rd respondent in respect of property bearing Plot No.3, MGR Street, Thuraipakkam, Chennai - 600 097 pending disposal of the revised plan dated 25.01.2019 submitted by the petitioner to the respondents.

For Petitioner : Mr.K.V.Subramanian, Senior Counsel
for Mr.S.P.Sudalaiyandi

For Respondents : Mr.S.Kamalesh Kannan,
Government Advocate (R1)
Mr.V.C.Selvasekaran (R2 & R3)

O R D E R

(Order of the Court made by the Hon'ble Chief Justice
and M.Duraiswamy, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus forbearing the respondents from proceeding with the Notice dated 25.01.2018 issued by the 3rd respondent in respect of property bearing Plot No.3, MGR Street, Thuraipakkam, Chennai - 600 097 pending disposal of the revised plan dated 25.01.2019.

2.It is the case of the petitioner that on 25.01.2018, the 3rd respondent issued a notice for locking and sealing and demolishing the premises. As against the same, the petitioner preferred an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act and the same is pending.

3.The learned senior counsel appearing for the petitioner submitted that along with the appeal, the petitioner has also filed a stay petition on 19.02.2018, however, the Appellate Authority has not passed any order so far. The learned senior counsel further submitted that the petitioner has also given an application for regularization on 25.01.2019.

4.The learned counsel appearing for the respondents 2 & 3 submitted that since the petitioner has put up construction after 2007, the same cannot be regularized by the authorities.

5.Since the appeal filed by the petitioner before the 1st respondent is pending along with the stay petition, we are of the considered view that it would be suffice to direct the 1st respondent to pass orders in the stay petition within a time frame. Accordingly, we direct the 1st respondent to consider the stay petition filed by the petitioner on merits and in accordance with law and pass orders within a period of ten days from the date of receipt of a copy of this order. Further, we direct the 1st respondent to dispose of the appeal as expeditiously as possible.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

va

To

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

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

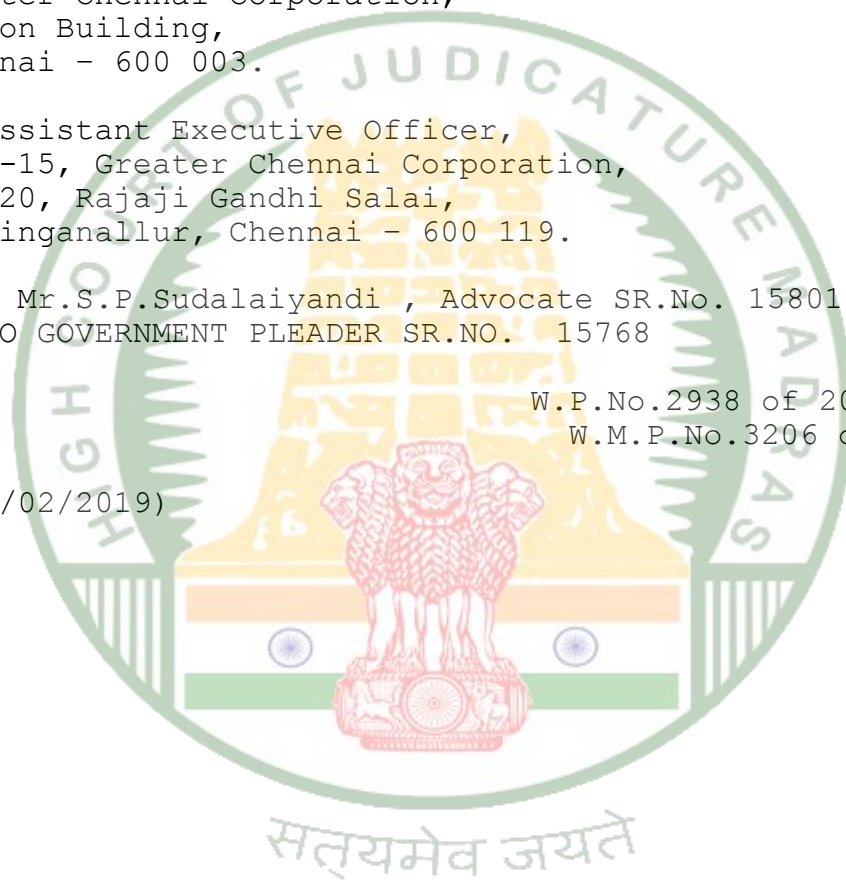
3.The Assistant Executive Officer,
Zone-15, Greater Chennai Corporation,
No.120, Rajaji Gandhi Salai,
Sholinganallur, Chennai - 600 119.

+1cc to Mr.S.P.Sudalaiyandi , Advocate SR.No. 15801

+1 CC TO GOVERNMENT PLEADER SR.NO. 15768

W.P.No.2938 of 2019 and
W.M.P.No.3206 of 2019

A.SK(21/02/2019)



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