

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.6191 of 2019

and

W.M.P.Nos.7030 and 7032 of 2019

S.Bakthavachalam .. Petitioner

-Vs-

1. The Secretary to Government,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009.
2. Greater Corporation of Chennai,
Rep. by its Commissioner,
Ripon Building, Chennai-3.
3. The Assistant Engineer,
Division 166, Greater Corporation Chennai,
Ripon Building, Chennai-3.
4. The Assistant Executive Engineer,
Unit 37, Greater Corporation Chennai,
Ripon Building, Chennai-3.
5. The Executive Engineer,
Zone 12, Greater Corporation Chennai,
Ripon Building, Chennai-3.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari Mandamus to call for the records bearing Letter No.12/00023/2018 dated 26.12.2018 on the file of respondent nos.3 to 5 and quash the same as illegal and further direct the respondents not to disturb the petitioner's peaceful possession of the property bearing Door No.43/23 B, Nehru High Road, B.V.Nagar, Nanganallur, Chennai 600 114.

For Petitioner : Mr.S.Arivazhagan
For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.) for R-1
: Mr.C.Ravichandran
Stdg. Counsel for RR 2 to 5

O R D E R

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

Heard the learned counsel for the petitioner and the learned Government Pleader (i/c.), Mr.V.Jayaprakash Narayanan, appearing for respondent no.1, as also Mr.C.Ravichandran, learned Standing Counsel for respondent nos.2 to 5.

2.The case of the petitioner is that he was issued a locking and sealing and demolition notice under Section 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971, in relation to unauthorised construction of building situated at 43B/23, Nehru High Road, Nanganallur, Chennai, 600 114. The notice is dated 26.12.2019. Against the said notice, the petitioner has preferred an appeal along with a stay application on 24.01.2019.

3.The learned counsel for the petitioner submitted that though the appeal and the stay application have been preferred on 24.01.2019, yet, no orders have been passed thereon and he apprehends that if no order is passed in the stay application, action may be taken by the concerned authority against his property.

4.In view of the fact that the petitioner has already preferred an appeal along with a stay application, the concerned authority is directed to dispose of the stay application within a period of ten days from the date of receipt of a copy of this order and the appeal be disposed of as expeditiously as possible.

The writ petition is disposed of with the above observation. No costs. Consequently, W.M.P.Nos.7030 and 7032 of 2019 are closed.

sra

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009.
2. The Commissioner,
Greater Corporation of Chennai,
Ripon Building, Chennai-3.
3. The Assistant Engineer,
Division 166, Greater Corporation Chennai,
Ripon Building, Chennai-3.
4. The Assistant Executive Engineer,
Unit 37, Greater Corporation Chennai,
Ripon Building, Chennai-3.
5. The Executive Engineer,
Zone 12, Greater Corporation Chennai,
Ripon Building, Chennai-3.

+1cc to M/s.S.Arivazhagan, Advocate, S.R.No.20619
+1cc to Mr.Dr.C.Ravichandran, Advocate, S.R.No.20179
+1cc to the Government Pleader, S.R.No.20910

W.P.No.6191 of 2019

MP (CO)
Kak (30/03/2019)

सत्यमेव जयते

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