

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3590 of 2019

Dr.S.Chandralekha,
Proprietor,
Iswarya Women's Hospital & Fertility Centre,
No.13, First Main Road,
Kasturibai Nagar,
Adyar, Chennai-600 020. .. Petitioner

-vs-

- 1.The Principal Secretary/Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
- 3.Dr.Suresh Kumar
- 4.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 006. .. Respondents

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Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the first respondent pertaining to the de-occupation notice bearing No.EC/S-I/7020/2016 dated 31.01.2019 and quash the same and consequently, direct the fourth respondent to expeditiously pass orders on the petitioner's appeal dated 09.8.2018.

For Petitioner : Mr.N.L.Rajah
Senior Counsel
for M/s.K.Harishankar

For Respondents : Mr.S.Thiruvengadam
for respondent No.1

Mr.V.C.Selvasekaran
for respondent No.2

Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c)
for respondent No.4

ORDER

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

The case of the petitioner is that she has received de-occupation notice dated 31.01.2019. The said notice is issued under Section 56(2) (iii) and (2A) of the Town and Country Planning Act, 1971. The petitioner is seeking quashing of the said notice.

2. The petitioner has preferred an appeal against the said notice on 01.02.2019. In the said appeal, the petitioner has also prayed for stay.

3. The grievance of the petitioner is that though in the appeal a prayer for stay has been made, the same has not yet been considered and the petitioner apprehends that action will be taken against the premises, which is situated at Door No.6, First Main Road, Kasturbai Nagar, Adyar, Chennai-20 in T.S.No.12/2, Block-No.29 of Pallipattu Village.

4. As the petitioner had preferred appeal against the de-occupation notice and also a prayer for stay has been made in the appeal, at this stage, we are not inclined to quash the notice but we are inclined to direct the concerned authority to consider the prayer for stay made by the petitioner within a period of ten days from the date of receipt of a copy of this order. Till orders are passed in the stay petition, status quo as on today shall be maintained.

5. With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.3936 of 2019 is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary/Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
- 3.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 006.

+2cc to M/s.K.Harishankar , Advocate SR.No. 10016

+1 CC TO GOVERNMENT PLEADER SR.NO. 10568

W.P.No.3590 of 2019

A.SK (07/02/2019)

सत्यमेव जयते

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