

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3884 of 2019

C.Dhinesh

.. Petitioner

-vs-

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

2.The Executive Engineer,
Zone- XI, Greater Chennai Corporation,
Arcot Road, Valasaravakkam,
Chennai.

3.The Junior Engineer,
Division - 152, Unit - 33, Zone - XI,
Greater Chennai Corporation,
Arcot Road, Valasaravakkam,
Chennai.

4.The Assistant Executive Engineer,
Unit - 33, Zone - XI,
Greater Chennai Corporation,
Arcot Road, Valasaravakkam,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 2nd, 3rd and 4th respondents, their men, agents, subordinates or any one acting under him from Locking and Sealing the building at Flat No.F-2, First Floor, New No.39, Old No.71, Pillayar Koil Street (V.O.C. Street), Kaikkankuppam, Valasaravakkam, Chennai - 600 087 pending

consideration of the Revision/Appeal dated 06.02.2019 before the first respondent filed u/s.80-A and 80-A(III) of the Town and Country Planning Act, 1971.

For Petitioner : Mr.S.Santhan
For Respondents : Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c)
for respondent No.1

Mr.C.Ravichandran
for respondent Nos.2 to 4

ORDER

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

The case of the petitioner is that he was issued with de-occupation notice dated 29.10.2018. The said notice is in relation to the building at No.71, Pillaiyar Kovil Street, V.O.C. Street, Kaikankuppam, Chennai-87. As against the de-occupation notice, the petitioner had preferred appeal on 06.02.2019. In the appeal, the petitioner had also preferred stay application.

2. The learned counsel for the petitioner states that though stay application was preferred on 06.02.2019, till date no order has been passed thereon and he apprehends that the authorities will take further action against him. Therefore, it is prayed that till the appeal is decided, respondent Nos.2 to 4 should not lock and seal his premises.

3. In view of the above facts, we are of the opinion that it would suffice if we direct the first respondent, who is the concerned authority, to dispose of the stay application 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.

4. The writ petition is disposed of in terms aforesaid. No costs. Consequently, W.M.P.No.4304 of 2019 is closed.

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
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Unit - 33, Zone - XI,
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Arcot Road, Valasaravakkam,
Chennai.

+lcc to Mr. C.Ravichandran, Advocate SR.No.13338

+lcc to Mr. S.Santhan, Advocate SR.No. 13917

W.P.No.3884 of 2019

A.SK(18/03/2019)