

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.4331 of 2019
and W.M.P.Nos.4861 and 4862 of 2019

1.Kesavan M.K.
2.V.Balamurugan
3.Cevvel Poornachandran
4.M.Pandian
5.R.M.Jyothi

... Petitioners

-vs-

1.The Commissioner,
St. Thomas Mount Panchayat Union,
Chitlapakkam, Chennai 600 064.

2.The Principal Secretary,
Housing and Urban Development,
Secretariat, Chennai 600 009.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to take necessary steps to dispose the appeal dated 31.01.2019 against the notice dated 22.01.2019 vide Na.Ka.3631/2018/A4 issued by the first respondent as early as possible.

For Petitioners : Mr.Veangai.I.Prakash Raj

For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.)

O R D E R

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

Heard the learned counsel for the petitioners and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.), who takes notice on behalf of respondents.

2.The case of the petitioners is that he received a notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, dated 22.01.2019, regarding locking and sealing of their residential flats situated at Plot No.19, Balambigai Flats, in Survey No.278/1C, within the limits of Nanmangalam Panchayat, St. Thomas Mount Panchayat Union. Against the said notice, the petitioners have preferred an appeal on 31.01.2019 before respondent no.2. The said appeal is under Section 80-A of the said Act.

3.The learned counsel for the petitioners submitted that though the appeal has been preferred on 31.01.2019 along with an application for stay, yet, no orders have been passed thereon. As the stay application has not yet been decided, the petitioners apprehend that action will be taken against him by the authorities.

4.In view of the fact that appeal is pending and stay application has also been preferred in the said appeal, it would suffice to direct respondent no.2 to dispose of the stay application within a period of two weeks from the date of receipt of a copy of this order. Till the stay application is decided, status quo as of today shall be maintained.

The writ petition is disposed of with the above observations. No costs. Consequently, W.M.P.Nos.4861 and 4862 of 2019 are closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

sra

To

1.The Commissioner,
St. Thomas Mount Panchayat Union,
Chitlapakkam, Chennai 600 064.

2.The Principal Secretary,
Housing and Urban Development,
Secretariat, Chennai 600 009.

+4 CCS to Mr.Veangai.I.Prakash Raj, Advocate sr 13301 & 13302.

W.P.No.4331 of 2019

NRL (CO)
SP (14/02/2019)