

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.4112 of 2019

1 S.M.Fazal Mohammed
2 N.A.Janeera .. Petitioners

Vs

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

2 The Executive Engineer
Zone IX, Corporation of Chennai
No.1 Lake Area 4th Cross Street
Nungambakkam, Chennai-34.

3 The Assistant Executive Engineer
Zone IX, Unit-24
Corporation of Chennai
No.1 Lake Area 4th Cross Street
Nungambakkam, Chennai - 600 034.

4 The Assistant Engineer
Zone IX Div. 110 Corporation of Chennai
No.1 Lake Area 4th Cross Street
Nungambakkam
Chennai - 600 034. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 2 to 4, their men, agents, subordinates or any one acting under them from Locking and Sealing the building at Old Door No.112-A, New No.132, Kodambakkam High Road, Nungambakkam, Chennai - 600 034 pending consideration of the Revision/Appeal dated 07.02.2019 before the first respondent filed under Section 80-A and 80-A (III) of the Town and Country Planning Act 1971.

For Petitioners : Mr.S.Santhan

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for 1st respondent

Mr.V.C.Selvasekaran
for respondents 2 to 4

ORDER

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

The case of the petitioners is that they were issued with a notice dated 25.1.2019 directing them to demolish the unauthorized construction within seven days. The said notice is in relation to the building at Old Door No.112-A, New No.132, Kodambakkam High Road, Nungambakkam, Chennai - 600 034. As against the said notice, the petitioners have preferred an appeal on 7.2.2019. In the appeal, the petitioners have also preferred stay application.

2. The learned counsel for the petitioners states that though stay application was preferred on 07.02.2019, till today no order has been passed thereon and the petitioners apprehend that the authorities will take further action against the petitioners. Therefore, it is prayed that till the appeal is decided respondent Nos.2 to 4 should not take any further action.

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.4620 of 2019 is closed as court fee has been paid in full and W.M.P.No.4622 of 2019 is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To:

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George, Secretariat
Chennai - 600 009.
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Nungambakkam, Chennai - 600 034.
- 4 The Assistant Engineer
Zone IX Div. 110 Corporation of Chennai
No.1 Lake Area 4th Cross Street
Nungambakkam
Chennai - 600 034.

+1cc to Mr.S.Santhan, Advocate SR.No.13918

+1cc to Government Pleader, High Court, Madras SR.No.14072

W.P.No.4112 of 2019

BR(CO)
GMY(06/03/2019)

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