

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.4767 of 2019

K.Sunderrajan

.. Petitioner

-vs-

- 1.The State of Tamilnadu,
rep. by its Secretary,
Tamilnadu Housing and Urban Development Department,
Secretariat, Chennai-600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.
- 3.The Commissioner of Corporation,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 4.The Executive Engineer,
Zone-X (Kodambakkam),
Greater Chennai Corporation,
No.1, New Street,
Alandur, Chennai-600 016.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from taking any coercive action in furtherance of the De-Occupation Notice, Notice No.Z.O.X.No.00173/2018 dated 29.12.2018 issued by the fourth respondent under Section 56 and 57 read with 85 of the Town and Country Planning Act, 1971 pending final determination of the Revision Application submitted by the petitioner on 7.2.2019 under Section 80-A of the Tamilnadu Town and Country Planning Act, 1971 before the Secretary, Tamilnadu Housing and Urban Development Department, Secretariat, Chennai-9, first respondent herein.

For Petitioner

: Mr.P.Thiagarajan

For Respondents

: Mr.S.Kamalesh Kannan
Government Advocate
for respondent No.1

Mr.S.Thiruvengadam
for respondent No.2

Mr.C.Ravichandran
for respondent Nos.3 and 4

ORDER

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

Heard Mr.P.Thiagarajan, learned counsel for the petitioner; Mr.S.Kamalesh Kannan, learned Government Advocate for respondent No.1; Mr.S.Thiruvengadam, learned counsel for respondent No.2 and Mr.C.Ravichandran, learned counsel for respondent Nos.3 and 4.

2. The case of the petitioner is that he was issued with a notice under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. Being aggrieved by the said notice, the petitioner had preferred a Revision Application and also an application for stay.

3. The grievance of the petitioner is that though the Revision Application as well as application for stay were preferred on 07.02.2019, till date no order has been passed in the stay application. The petitioner apprehends that if no order is passed in the stay application, the premises will be locked and sealed and demolished.

4. Looking to all the above facts, the concerned authority i.e., respondent No.1 is directed to decide the stay application within a period of two weeks from the date of receipt of a copy of this order.

5. With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.5399 of 2019 is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

bbr

To

- 1.The Secretary,
Tamilnadu Housing and Urban Development Department,
Secretariat, Chennai-600 009.
 - 2.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.
 - 3.The Commissioner of Corporation,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
 - 4.The Executive Engineer,
Zone-X (Kodambakkam),
Greater Chennai Corporation,
No.1, New Street,
Alandur, Chennai-600 016.
- +1 CC to Mr.S.Thiruvengadam, Advocate sr 16319.
+1 CC to Mr.C.Ravichandran, Advocate sr 15832.
+1 CC to Govt. Pleader sr 16617.

KJI (CO)
SP(26/03/2019)

W.P.No.4767 of 2019

सत्यमेव जयते

WEB COPY