

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2019

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.4539 of 2019

R.Varadarajan

.. Petitioner

Vs

- 1 The Secretary
Housing and Urban Development Department
Government of Tamilnadu
Fort St.George
Chennai.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irvin Road
Egmore, Chennai-8.
- 3 The Commissioner
St.Thomas Mount Panchayat Union
Chitalapakkam, Chennai.
- 4 The Executive Engineer
Chennai Corporation
Zone-IV Puzhuthivakkam
Chennai-600 091.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to dispose the petitioner's appeals dated 16.05.2018 and 15.11.2018 pending before the 1st respondent and consequently direct the respondents to de-seal the petitioner's property bearing Flat No.A3, Plot No.4, Jeeva Nagar, Madipakkam, Chennai.

For Petitioner

: Mr.S.N.Subramani

For Respondents

: Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 1 and 3

Mr.S.Thiruvengadam
for 2nd respondent

Mr.V.C.Selvasekaran
for 4th respondent

ORDER

(Order of the Court was made by M.DURAISWAMY,J.)

The above writ petition has been filed by the petitioner to issue writ of mandamus directing the respondents to dispose of the petitioner's appeals dated 16.05.2018 and 15.11.2018 pending before the first respondent and to consequently direct the respondents to de-seal the petitioner's property bearing Flat No.A3, Plot No.4, Jeeva Nagar, Madipakkam, Chennai.

2. The learned counsel appearing for the petitioner submitted that the petitioner has preferred an appeal on 15.11.2018 under Section 80A of the Tamil Nadu Town and Country Planning Act as against the Lock and Seal Notice. Further, the learned counsel submitted that even though appeal has been filed in the month of February, 2018, the Appellate Authority has not disposed of the same till date. That apart, the learned counsel also submitted that in respect of other flat owners, the premises was de-sealed and un-locked by the Corporation.

3. Since appeal is pending before the Appellate Authority, we are of the considered view that it would suffice to direct the Appellate Authority to dispose of the appeal within a time frame. Accordingly, we direct the first respondent to dispose of the appeal dated 15.11.2018 on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No costs. Consequently,

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

sasi

To:

- 1 The Secretary
Housing and Urban Development Department
Government of Tamilnadu
Fort St.George
Chennai.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irvin Road
Egmore, Chennai-8.
- 3 The Commissioner
St.Thomas Mount Panchayat Union
Chitalapakkam, Chennai.
- 4 The Executive Engineer
Chennai Corporation
Zone-IV Puzhuthivakkam
Chennai-600 091.

+1cc to Mr.S.N.Subramani, Advocate SR.No.19222

+1cc to Mr.S.Thiruvengadam, Advocate SR.No.19564

+1cc to Government Pleader SR.No.19971

W.P.No.4539 of 2019

GMV (15/03/2019)

सत्यमेव जयते

WEB COPY