

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.5347 of 2019

Dr.G.Sankaranarayananasami ... Petitioner

-vs-

- 1.The Secretary to Government to Tamil Nadu,
Housing and Urban Development Dept.,
Fort St. George, Chennai-9.
- 2.The District Collector,
Dindigul District, Dindigul.
- 3.The Commissioner,
Kodaikanal Municipality,
Kodaikanal.
- 4.The Member Secretary,
Kodaikanal Local Planning Authority,
Kodaikanal, Dindigul District. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to dispose of the appeal filed by the petitioner on 25.10.2016 at the earliest point of time as may be fixed by this Court.

For Petitioner : Mr.N.L.Rajah, Sr. Counsel
for Mr.Elumalai N.

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate for RR 1, 2 and 4
: Mr.P.Srinivas
Stdg. Counsel for R-3

O R D E R

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

Heard the learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate, who takes notice for respondent nos.1, 2 and 4 and Mr.P.Srinivas, learned Standing Counsel, who takes notice for respondent no.3.

2.The case of the petitioner is that he received a notice under Sections 56 and 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice is dated 14.09.2016. The notice pertains to the land comprised in R.S.No.63 part, Ward "C", Block-12, T.S.No.13/1, Convent Road, Kodaikanal. Being aggrieved by the said notice, the petitioner preferred an appeal on 25.10.2016. The petitioner also preferred an application for stay in the said appeal on the same date, i.e., 25.10.2016.

3.The grievance of the petitioner is that though the appeal and the stay application were preferred on 25.10.2016, till today, neither the appeal nor the stay application has been decided. The petitioner apprehends that if no order is passed in the stay application, action may be taken by the authorities against his building.

4.Looking to the fact that the appeal is pending since the year 2016, we direct that the appeal be disposed of within eight weeks from the date of receipt of this order. The stay application to be disposed of within a week of receipt of a copy of this order. Status Quo shall be maintained till the stay application is decided.

The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government to Tamil Nadu,
Housing and Urban Development Dept.,
Fort St. George, Chennai-9.

2.The District Collector,
Dindigul District, Dindigul.

3.The Commissioner,
Kodaikanal Municipality, Kodaikanal.

4.The Member Secretary,
Kodaikanal Local Planning Authority,
Kodaikanal, Dindigul District.

+1cc to M/S.N.Elumalai, Advocate Sr.17352

+1cc to Mr.P.Srinivas, Advocate Sr.18033

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