

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.7780 of 2019

C.Srinivasan

... Petitioner

-vs-

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

2.The Executive Engineer,
Zone - VI, Greater Chennai Corporation,
No.5, Anderson Road,
Ayanavaram, Chennai - 600 023.

3.The Assistant Executive Engineer,
Unit - 16, Zone - VI,
Greater Chennai Corporation,
No.5, Anderson Road,
Ayanavaram, Chennai - 600 023.

4.The Assistant Engineer,
Division - 68, Unit - 16, Zone - VI,
No.5, Anderson Road,
Ayanavaram, Chennai - 600 023.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the second respondent, their men, agents, subordinates or any one acting under him from locking and sealing the building at Door No.309, Thiru.Vi.Ka. Nagar, 18th street, Sembium (Peravallur), Chennai-600 011 pending consideration of Revision/Appeal before the first respondent filed under Section 80-A and 80-A(3) of the Town and Country Planning Act, 1971.

For Petitioner : Mr.S.Santhan

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

Mr.C.Ravichandran
for respondent Nos.2 to 4

ORDER

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

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

2. The case of the petitioner is that locking and sealing and demolition notice was issued to him on 09.02.2019. The said notice was issued under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice pertains to the construction put up by the petitioner at Door No.309, Thiru.Vi.Ka. Nagar, 18th street, Pervallur, Chennai-600 011. The learned counsel for the petitioner submitted that against the said notice, the petitioner had preferred a revision/appeal before the first respondent, which is filed under Section 80A of the said Act. He submitted that the petitioner had also preferred an application for stay in the said revision/appeal. Both the revision/appeal and application for stay were preferred on 08.03.2019, however, till today no orders have been passed on the stay application. Hence, the petitioner apprehends that action may be taken in relation to the above mentioned property of the petitioner.

3. Looking to the fact that revision/appeal has been preferred by the petitioner and application for stay in the said revision/appeal is still pending, we direct respondent No.1 to dispose of the stay application within a period of ten days from the date of receipt of a copy of this order.

4. With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.8420 of 2019 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Housing and Urban Development Department,
St. George Fort,
Secretariat, Chennai - 600 009.
- 2.The Executive Engineer,
Zone - VI, Greater Chennai Corporation,
No.5, Anderson Road,
Ayanavaram, Chennai - 600 023.
- 3.The Assistant Executive Engineer,
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Ayanavaram, Chennai - 600 023.
- 4.The Assistant Engineer,
Division - 68, Unit - 16, Zone - VI,
No.5, Anderson Road,
Ayanavaram, Chennai - 600 023.

+lcc to M/S.C.Ravichandran, Advocate Sr.25276
+lcc to the Government Pleader Sr.25676

W.P.No.7780 of 2019

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srg 09/04/2019