

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAIWAMY

W.P. No.11953 of 2019

Poomani

.. Petitioner

-vs-

1.Government of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 9.

2.Greater Chennai Corporation,
rep. by its Commissioner,
Ripon Building,
Chennai - 600 003.

3.The Executive Engineer,
Zone-VIII
Greater Chennai Corporation,
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

4.Sudhanarayanan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the 2nd and 3rd respondents from in anyway interfering with the residential building put up at Door No.L-227 and L.227A, 'L' Block, 21st street, Anna Nagar East, Chennai-600 102 particularly by way of locking and sealing or demolition of the same, pending final determination of the petitioner's statutory appeal under Section 80A of the Town and Country Planning Act, 1971 dated 18.03.2019 with the 1st respondent.

For Petitioner

: Mr.D.S.Rajasekaran

For Respondent

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

Dr.C.Ravichandran
for respondent Nos.2 and 3

ORDER

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

Heard Mr.D.S.Rajasekaran, learned counsel for the petitioner; Mr.S.Kamalesh Kannan, learned Government Advocate for respondent No.1 and Dr.C.Ravichandran, learned counsel for respondent No.2.

2.The case of the petitioner is that she is a lessee in occupation of the residential premises at Door No.L-227 and L-227A, 'L' Block, 21st Street, Anna Nagar East, Chennai-600 102 pursuant to a lease agreement entered into with respondent No.4. Being aggrieved by the notice dated 13.03.2019 issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, the husband of petitioner preferred an appeal on 20.03.2019 before the first respondent and he had also preferred an application for stay in the said appeal on the same date, i.e., 20.03.2019.

3. The grievance of the petitioner is that though the appeal and the stay application were preferred on 20.03.2019, till today, neither the appeal nor the stay application has been decided.

4. In view of the limited prayer made by the petitioner, without expressing any opinion on the merits of the case and looking to the fact that the appeal is pending since 20.03.2019, we direct that the appeal be disposed of by the first respondent within eight weeks from the date of receipt of this order. The stay application to be disposed of within ten days of receipt of a copy of this order. The said stay application and appeal to be disposed of in accordance with law.

5. The writ petition is disposed of with the above observation. No costs. Consequently, W.M.P.No.12179 of 2019 is closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai - 9.
- 2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 3.The Executive Engineer,
Zone-VIII
Greater Chennai Corporation,
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

+1CC to M/S.D.S.RAJASEKARAN Advocate SR.NO.41004
+1CC to MR.C.RAVICHANDRAN Advocate SR.NO.42379
+2CC to Govt. Pleader Vide SR.NOS.43061 & 43069

W.P.No.11953 of 2019

SSV[CO]
MK:08/06/2019

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