

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.12347 of 2019

R.P.S.Mahendhiran

.. Petitioner

-vs-

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thazhamuthu Natrajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Secretary to Government,
Department of Housing and Urban Development,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 005.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forberaing the first respondent, their men, agents, servants or any one acting under them from locking and sealing/demolish the premises situated flat No.G13, Ground Floor, Block-A, with a built up area 1275 sq. ft. in door No.354, Konnu High Road, Aynavaram, Chennai-600 023 pending disposal of the application filed by the writ petitioner under Section 80A of the Town and Country Planning Act of 1971 before the second respondent challenging the proceedings of the first respondent bearing letter No.EC/N-1/15722/2017 dated 15.02.2019.

For Petitioner

: Mr.K.Elangovan

For Respondents

: Mr.Karthik Rajan
for respondent No.1

Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent No.2

ORDER

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

Heard Mr.K.Ilangovan, learned counsel for the petitioner; Mr.Karthik Rajan, learned counsel for the first respondent and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for the second respondent.

2.The case of the petitioner is that he was issued a locking and sealing and demolition notice under Sections 56 and 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971, in relation to deviated and unauthorised construction of building situated at Door No.354, Konnur High Road, (T.S.No.183 part), Aynavaram, Chennai-600 023. The notice is dated 15.02.2019 . Against the said notice, the petitioner has preferred an appeal along with a stay application on 20.03.2019 before the second respondent.

3. The learned counsel for the petitioner submitted that though the appeal and the stay application have been preferred on 20.03.2019, yet, no orders have been passed thereon and he apprehends that if no order is passed in the stay application, action may be taken by the first respondent against the property.

4. In view of the fact that the petitioner has already preferred an appeal along with a stay application before the second respondent, the second respondent is directed to dispose of the stay application within a period of ten days from the date of receipt of a copy of this order and the appeal be disposed of as expeditiously as possible.

5.The writ petition is disposed of with the above observation. No costs. Consequently, W.M.P.No.12646 of 2019 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

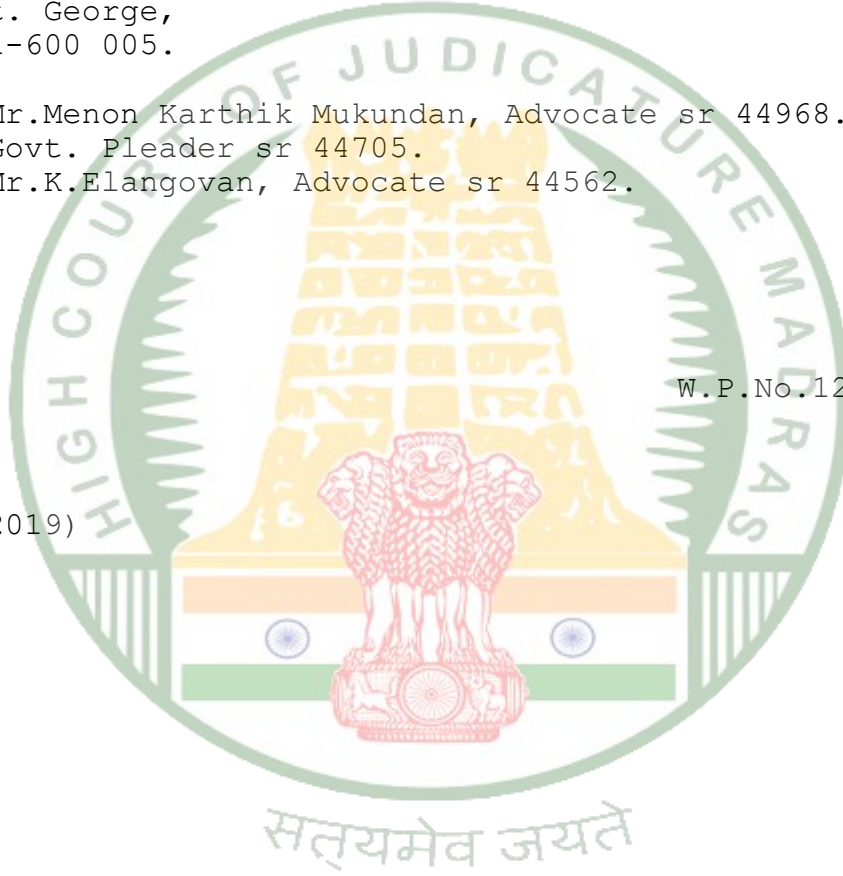
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To

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thazhamuthu Natrajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
 - 2.The Secretary to Government,
Department of Housing and Urban Development,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 005.
- +1 CC to Mr.Menon Karthik Mukundan, Advocate sr 44968.
+1 CC to Govt. Pleader sr 44705.
+2 CC to Mr.K.Elangovan, Advocate sr 44562.

W.P.No.12347 of 2019

SVI (CO)
SP(04/07/2019)



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