

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2019

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THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

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THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.Nos.15045 & 15051 of 2019
and WMP.Nos.15023 &15027 of 2019

Kennedy ... Petitioner in W.P.No.15045 of 2019

Subramaniyan ...Petitioner in W.P.No.15051 of 2019

vs.

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

3. The Executive Engineer,
Zone 15,
Chennai Corporation,
Chennai.

4. The Assistant Executive Engineer,
Unit 45,
Chennai Corporation,
Chennai.

5. The Assistant Engineer,
Division 194,
Chennai Corporation,
Chennai.

...Respondents in both W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from interfering with the possession and enjoyment of the Petitioner in respect of the premises at Plot No.55D and 54C, 1st Floor, PTC Quarters, 2nd Main Road,

Thoraipakkam, Chennai 600 096, pending disposal of the Appeal filed by the Petitioner on 02/05/2019 before the 1st respondent.

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel
(in both W.Ps' for Ms.A.L.Ganthimathi

For Respondents : Mr.P.S.Sivashanmugasundaram,
(in both W.Ps') Special Government Pleader for R1
Mr.V.C.Selvasekar,
Standing counsel for R2 to R5

COMMON ORDER

(Order of the Court was made by Mr.N.SATHISH KUMAR, J.)

By consent, these writ petitions are taken up for final disposal.

2. Petitioners have filed these writ petitions seeking issuance of Writ of Mandamus forbearing the respondents from interfering with the possession and enjoyment of the Petitioners in respect of the premises at Plot No.55D and 54C, 1st Floor, PTC Quarters, 2nd Main Road, Thoraipakkam, Chennai 600 096, pending disposal of the Appeals filed by the Petitioners on 02/05/2019 before the 1st respondent.

3. Petitioners state that they are the absolute owners of the property mentioned above. The petitioners further state that they have been permitted to put up construction in the said property as per the planning permission obtained from the Panchayat and also obtained regularization of the plan. While so, one G.Gokulakrishnan, who is residing at Plot No.55A, Ground Floor, PTC Quarters, has filed a suit in O.S.No.444 of 1999 on the file of District Munsif Court, Alandur, praying for a declaration to declare that the construction made by the petitioners, over the southern side of their property which is a common space, is illegal. While so, the petitioners demolished the alleged illegal construction on their own. However, a notice dated 24.04.2019 was issued by the respondents stating that the entire ongoing construction at the site under reference is an unauthorized one and being carried out without any statutory approval and hence petitioners were called upon to restore the land to its condition within 30 days from the date of receipt of the notice, failing which action will be taken to lock and seal the premises and to demolish the same. As against the said notice, petitioners have filed appeals before the 1st respondent along with a petition for stay and the same have been received and acknowledged by the 1st respondent. However, till date, the 1st respondent has not disposed of the appeals. Hence, petitioners are before this Court with the present Writ

Petitions.

4. In response, learned counsel for 1st respondent submitted that the petitioners' appeal will be disposed of at the earliest.

5. Considering the submissions made and also considering the fact that the statutory appeals filed by the writ petitioners are pending before the 1st respondent, this Court directs the 1st respondent to dispose of the petitioners' appeals in accordance with law and pass orders on merits as expeditiously as possible. Till the disposal of the petitioners' appeals, the respondents are directed not to take any coercive action to demolish the building.

With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

vsm/mp

To

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

2. The Commissioner,
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Rippon Buildings,
Chennai - 600 003.

3. The Executive Engineer,
Zone 15,
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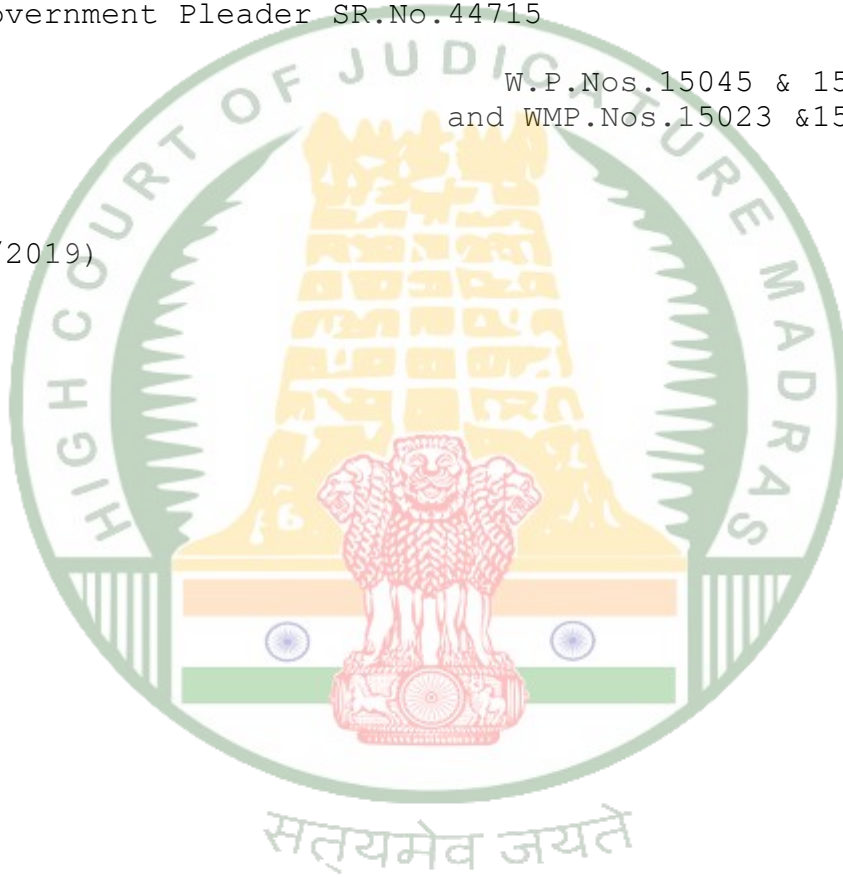
5. The Assistant Engineer,
Division 194,
Chennai Corporation,
Chennai.

+2cc to Ms.A.L.Ganthimathi, Advocate SR.No.44356,44357

+1cc to Government Pleader SR.No.44715

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SAI (CO)
GMY (06/06/2019)



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