

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.15600 of 2019
and W.M.P.No.15499 of 2019

P.Sridharan
Rep.by Pushpanathan

.. Petitioner

-vs-

- 1.The Commissioner,
Greater Chennai Corporation,
Ribbon Building, Chennai 600 003.
- 2.The Executive Engineer,
Greater Chennai Corporation,
Zone 14, Puzhuthivakkam,
Chennai 600 091.
- 3.The Assistant Executive Engineer,
Greater Chennai Corporation,
Unit-41, Zone 14, Puzhuthivakkam,
Chennai 600 091.
- 4.The Assistant Engineer,
Greater Chennai Corporation, Div.186,
Zone 14, Puzhuthivakkam,
Chennai 600 091.
- 5.The Secretary,
Housing and Urban Development Dept.,
Fort St. George, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 2 to 4 not to proceed further pursuant to the locking and sealing and demolition notice and Deoccupation notice letter No.14/000/2019 dated 09.01.2019 till disposal of the Revision Petition pending before the Secretary to Government.

For Petitioner	:	Mr.G.Murugendran
For Respondents	:	Mr.V.C.Selvasekaran
		Stdg. Counsel for RR 1 to 4

: Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.) for R-5

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.V.C.Selvasekaran, learned Standing Counsel, who takes notice on behalf of respondent nos.1 to 4 and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.), who takes notice on behalf of fifth respondent.

2.The case of the petitioner is that he received de-occupation notice dated 09.01.2019 issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, in relation to Plot No.152, Sri Ganesh Apartment, F2 'A' Block 5th Cross Street, Thirumalai Nagar, Perungudi, Chennai 600096. Against the said notice, the petitioner has preferred an appeal under Section 80-A of the said Act on 11.02.2019 and he has preferred a stay application in the said appeal on the very same date.

3.The learned counsel for the petitioner states that though the appeal and the stay application were preferred on 11.02.2019, till date no orders have been passed either in the appeal or in the stay application.

4.It is an admitted fact that the premises have been locked on 06.06.2019. In such circumstances, we are of the opinion that it would suffice if we direct the competent authority, i.e., respondent no.5, to decide the stay application within a period of ten days and the appeal as expeditiously as possible thereafter.

4.In view of the above, we direct the fifth respondent 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 thereafter.

With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.15499 of 2019 is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sra
To

1.The Commissioner,
Greater Chennai Corporation,
Ribbon Building, Chennai 600 003.

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5.The Secretary,
Housing and Urban Development Dept.,
Fort St. George, Chennai.

+1 CC to Mr.G.Murugendran, Advocate sr 45701.

W.P.No.15600 of 2019

JP(CO)
SP(10/06/2019)

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