

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.16863 of 2019
and W.M.P.No.16454 of 2019

A.Sumathi

.. Petitioner

-vs-

- 1.The Principal Secretary,
Housing and Urban Development Dept.,
Fort St. George, Chennai 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai-3.
- 3.The Executive Engineer,
Zone-IX, Greater Chennai Corporation,
No.Lake Area 4th Cross Street,
Nungambakkam, Chennai-34.
- 4.The Assistant Executive Engineer,
Unit-26, Zone-IX, Greater Chennai
Corporation, No.Lake Area 4th Cross St.,
Nungambakkam, Chennai-34.
- 5.The Assistant Engineer,
Division-112, Zone-IX, Greater Chennai
Corporation, No.Lake Area 4th Cross St.,
Nungambakkam, Chennai-34.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to consider and pass appropriate order on the petitioner's Statutory Appeal filed dated 14.02.2019 before the 1st respondent within the time frame as may be fixed by this Court.

For Petitioner : Mr.Abdul Majeed
for M/s.G.Sumitra

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate for R-1
: Dr.C.Ravichandran
Stdg. Counsel for RR 2 to 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, Mr.S.Kamalesh Kannan, learned Government Advocate appearing for respondent no.1 and Dr.C.Ravichandran, learned Standing Counsel appearing for respondent nos.2 to 5.

2.The case of the petitioner is that de-occupation notice dated 14.06.2018 under Sections 56 and 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971, was issued to him in relation to the premises at Door No.22/89, Trustpuram 8th Cross Street, Kodambakkam, Chennai 600 024. The petitioner has challenged the said notice by filing an appeal under Section 80-A of the said Act on 14.02.2019. According to the petitioner, on the same date, along with the appeal, he has also preferred a stay application as well as an application for removal of her belongings lying in the premises which has been locked and sealed by the respondents.

3.The learned counsel appearing for the petitioner states that the said appeal has not yet been taken up for hearing nor the application for stay as also the application for removal of petitioner's belongings from the premises have been taken up for hearing, hence, he prayed that a direction be issued to dispose of the appeal and the applications as expeditiously as possible.

4.Looking to the fact that the belongings of the petitioner are lying in the premises which has been locked and sealed, directions are issued to the concerned authority to dispose of the application for removal of belongings as well as the stay application within a period of two weeks from the date of receipt of a copy of this order and thereafter, the appeal be disposed of as expeditiously as possible.

With the above observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.16454 of 2019 is also dismissed.

sra

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary,
Housing and Urban Development Dept.,
Fort St. George, Chennai 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai-3.

3.The Executive Engineer,
Zone-IX, Greater Chennai Corporation,
No.Lake Area 4th Cross Street,
Nungambakkam, Chennai-34.

4.The Assistant Executive Engineer,
Unit-26, Zone-IX, Greater Chennai
Corporation, No.Lake Area 4th Cross St.,
Nungambakkam, Chennai-34.

5.The Assistant Engineer,
Division-112, Zone-IX, Greater Chennai
Corporation, No.Lake Area 4th Cross St.,
Nungambakkam, Chennai-34.

+1cc to Dr.C.Ravichandran, Advocate, SR.No.51104

+1cc to M/s.G.Sumitra, Advocate, SR.No.50899

+1cc to the Govt.Pleader, Vide Sr.No.51766

W.P.No.16863 of 2019

SKV(CO)
Kak(10/07/2019)

सत्यमेव जयते

WEB COPY