

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.16770 of 2019
and W.M.P.No.16378 of 2019

Anandakumar

... 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 respondents 2 to 4 not to proceed the further proceeding of 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, 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 for R-5

COMMON ORDER

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

Heard the learned counsel for the petitioner, Mr.V.C.Selvasekaran, learned Standing Counsel for respondent nos.1 to 4 and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.), for respondent no.5.

2.The case of the petitioner is that he received Deoccupation Notice dated 09.01.2019 issued under Sections 56 and 57 read with Section 85 of the Town and Country Planning Act, 1971, relating to a property situated at Plot No.152, Sri Ganesh Apartment, Fl 'A' Block 5th Cross Street, Thirumalai Nagar, Perungudi, Chennai. The further case of the petitioner is that being aggrieved by the said notice, he has preferred a revision under Section 80 of the said Act before the fifth respondent on 13.02.2019 and he has also preferred an application for stay in the said revision.

3.The grievance of the petitioner is that though the revision and the stay application were filed on 13.02.2019, the authority concerned has not yet taken any steps thereon, hence, the petitioner apprehends that in the meanwhile, steps may be taken against the petitioner's property.

4.In view of the above facts, we direct the fifth respondent, who is the competent authority, to decide 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 these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.16378 of 2019 is closed.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

sra

To

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.

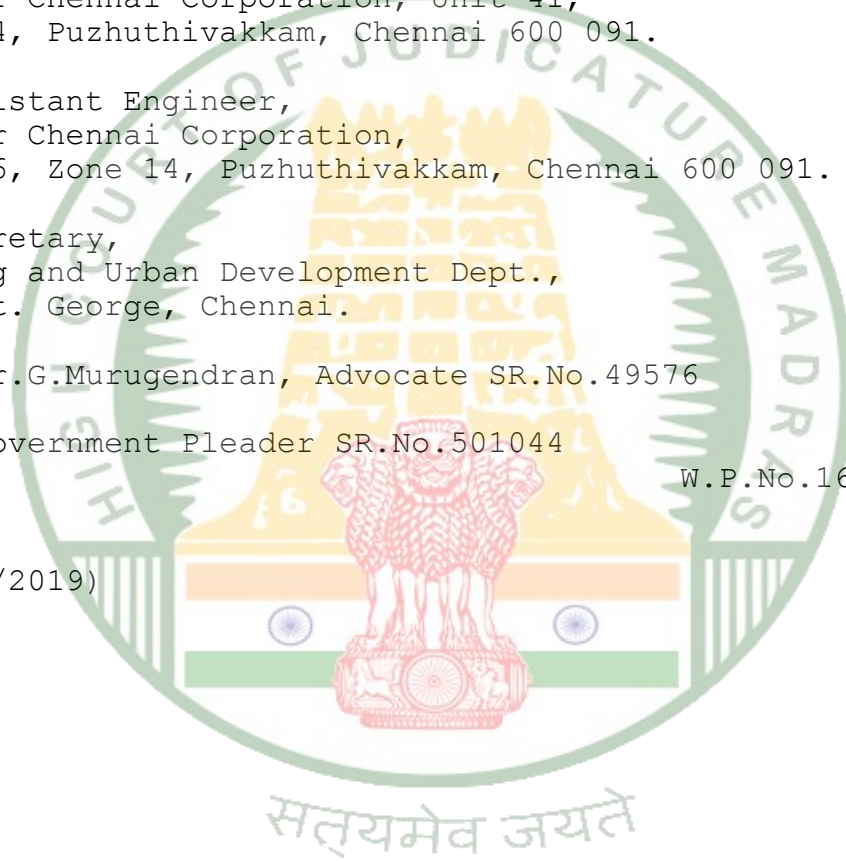
5.The Secretary,
Housing and Urban Development Dept.,
Fort St. George, Chennai.

+1cc to Mr.G.Murugendran, Advocate SR.No.49576

+1cc to Government Pleader SR.No.501044

W.P.No.16770 of 2019

RR(CO)
GMY(11/07/2019)



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