

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM :

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

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. Nos.17633, 17634, 17636 and 17638 of 2019
and W.M.P.Nos.17089, 17092, 17093 and 17096 of 2019

P.Chinniah ... Petitioner in WP.17633/19
S.Elango ... Petitioner in WP.17634/19
K.Illayaraja ... Petitioner in WP.17636/19
K.Jayaprabhu ... Petitioner in WP.17638/19

-vs-

- 1.The Commissioner,
Chennai City Corporation,
Ripon Buildings, Chennai-3.
- 2.The Executive Engineer,
Chennai City Corporation-Zone IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai-34.
- 3.The Assistant Engineer,
Chennai Greater Corporation,
Division No.121, Brindavan Street,
Mylapore, Chennai 600 004.
- 4.The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA), Thalamuthu
Natarajar Maligai, Egmore,
Chennai-8 ... Respondents in all WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the entire records pertaining to the order of the 2nd respondent dated 12.06.2019 in Notice No.Zone-IX DN-121/TPENF/02/2019 and quash the same and to consequently direct the 4th respondent to pass orders on the revised plan on the basis of the statutory appeal on merits within stipulated time.

For Petitioner : Mr.L.Chandrakumar
for Mr.Sethupathi.E.D.

For Respondents : Mr.V.C.Selvasekaran
Stdg. Counsel for RR 1 to 3

: Mr.Karthik Rajan
Stdg. Counsel for R-4

* * * * *

O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioners have filed the above writ petitions challenging the De-occupation notice dated 12.06.2019.

2.When the writ petitions were taken up for hearing, Mr.L.Chandrakumar, the learned counsel appearing for the petitioners, submitted that as against the deoccupation notice dated 12.06.2019, the petitioners have preferred appeals under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, along with applications for stay before the Secretary to Government of Tamil Nadu, Housing and Urban Development Department, on the same day, i.e., on 12.06.2019. The learned counsel has further submitted that it would suffice to direct the Appellate Authority to dispose of the appeals and also the applications for stay filed along with the appeals as expeditiously as possible.

3.In view of the limited prayer made by the learned counsel for the petitioners, we direct the Secretary to Government of Tamil Nadu, Housing and Urban Development Department, Secretariat, Chennai 600 009, to dispose of the appeals preferred by the petitioners on 12.06.2019 challenging the deoccupation notice as expeditiously as possible. We also direct the Appellate Authority to dispose of the stay applications within a period of two weeks from the date of receipt of a copy of this order.

With the above observations, the writ petitions are closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Commissioner,
Chennai City Corporation,
Ripon Buildings, Chennai-3.

2.The Executive Engineer,
Chennai City Corporation-Zone IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai-34.

3.The Assistant Engineer,
Chennai Greater Corporation,
Division No.121, Brindavan Street,
Mylapore, Chennai 600 004.

4.The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA), Thalamuthu
Natarajar Maligai, Egmore, Chennai-8.

5.The Secretary to Govt. of Tamil Nadu,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009.

+4ccs to Mr.E.D.Sethupathi, Advocate, S.R.No.52178 to 52181

+1cc to Mr.Karthik Rajan, Advocate, S.R.No.52264

W.P.Nos.17633, 17634, 17636
and 17638 of 2019

GJ-II (CO)

RRS (26/06/2019)

WEB COPY