

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. No.17843 of 2019
and W.M.P.No.17241 of 2019

V.Devan

.. Petitioner

-vs-

1.Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing & Urban Development Dept.,
Secretariat, Chennai-9.

2.Greater Chennai Corporation
Rep. by its Executive Engineer,
Zone-14, Unit-42, Division-188,
Puzhuthivakkam, Chennai-91.

3.The Executive Engineer,
Greater Chennai Corporation,
Zone-14, Unit-42, Division-188,
Puzhuthivakkam, Chennai-91.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the 2nd and 3rd respondents from in anyway interfering with the building at Plot No.385, 200 feet radial road, Pallikaranai, Chennai 600 100, particularly by way of Locking and Sealing or demolition of the same, pending disposal of the petitioner's statutory appeal under Section 80(A) and 80 (A) (3) of the Town and Country Planning Act, 1971, by the 1st respondent/Government dated 28.05.2019.

For Petitioner : Mr.R.Anand Padmanabhan

For Respondents : Mr.V.Jayaprakash Narayanan,
Govt. Pleader (i/c.) for R-1
: Dr.C.Ravichandran
Stdg. Counsel for RR 2 and 3

* * * * *

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.V.Jayaprakash Narayanan, learned Government Pleader (i/c.), who takes notice on behalf of respondent no.1 and Dr.C.Ravichandran, learned Standing Counsel, who takes notice on behalf of respondent nos.2 and 3.

2.The case of the petitioner is that lock and seal and demolition notice dated 24.05.2019 under Section 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971, was issued to the petitioner in relation to commercial building at Zone-14, Unit-42, Division-188, Plot No.385, 200 Feet Radial Road, Pallikaranai, Chennai 600 100. The further case of the petitioner is that being aggrieved by the said notice, he has preferred an appeal under Section 80-A of the said Act, on 28.05.2019. On the same date, he has also preferred an application for stay in the said appeal.

3.The grievance of the petitioner is that though the application for stay was filed almost a month back, the same has not yet been decided, hence, he apprehends that in the meantime, action may be taken against his property and therefore, prays that directions be issued that the application for stay and the appeal be disposed of as expeditiously as possible.

4.In view of the above facts, we direct the first respondent 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.17241 of 2019 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Secretary to Govt. of Tamil Nadu,
Housing & Urban Development Dept.,
Secretariat, Chennai-9.

2.The Executive Engineer,
Greater Chennai Corporation,
Zone-14, Unit-42, Division-188,
Puzhuthivakkam, Chennai-91.

3.The Executive Engineer,
Greater Chennai Corporation
Zone-14, Unit-42, Division-188,
Puzhuthivakkam, Chennai-91.

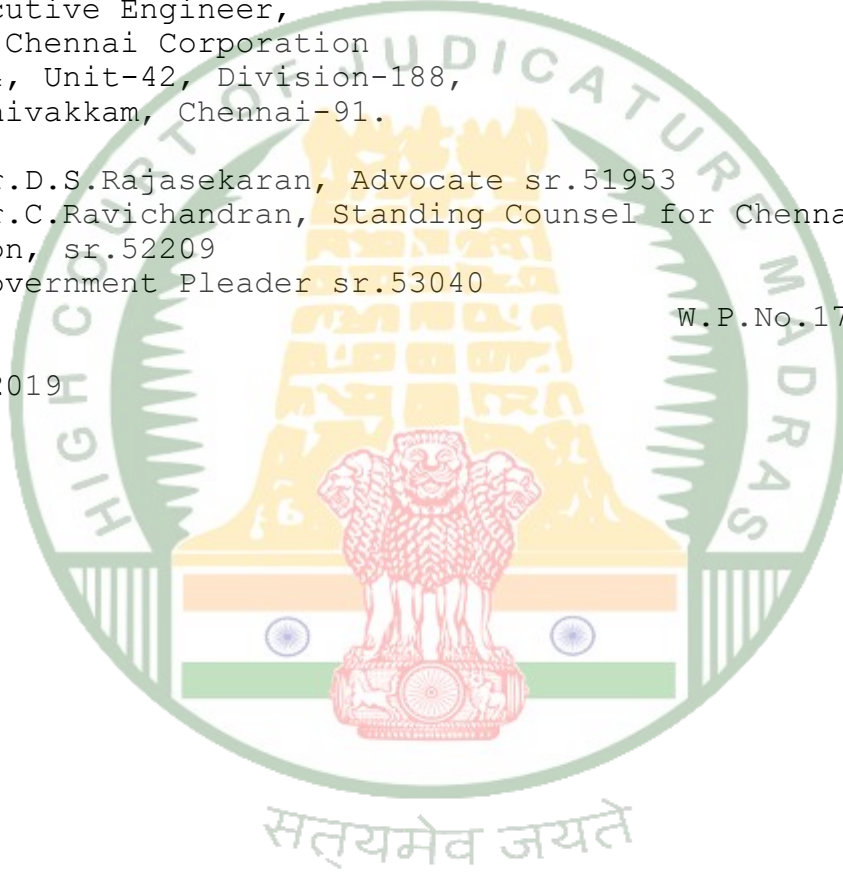
+lcc to Mr.D.S.Rajasekaran, Advocate sr.51953

+lcc to Dr.C.Ravichandran, Standing Counsel for Chennai
Corporation, sr.52209

+lcc to Government Pleader sr.53040

W.P.No.17843 of 2019

nr 25/07/2019



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