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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.20597 of 2019

Cholayil Private Limited,
rep. by its Manager Heeroon Rasheed,
No.8 J Block, Anna Nagar East,
Anna Nagar,
Chennai - 600 102.

.. Petitioner

-vs-

1.Government of Tamil Nadu,
rep. by its Secretary,
Housing and Urban Development Department,
Secretariat, Chennai - 9.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the second respondent from in anyway interfering with the building situated at First floor, 1-26 Plot No.364, First Avenue, Anna Nagar East, Chennai-2, particularly by way of locking, sealing and demolition in accordance with 56(4)(a) of the Town and Country Planning Act, 1971 pursuant to the notice in Letter No.EC/N-1/22274/2018 dated 10.06.2019 pending final determination of the petitioner's statutory appeal dated 28.06.2019 filed under Section 80(A) and 80(A)(3) before the first respondent.

For Petitioner

: Mr.Rajasrinivas
for M/s.C.Ananda Ramani



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For Respondents

: Mr.S.Kamalesh Kannan
Government Advocate
for respondent No.1

Mr.Karthik Rajan
for respondent No.2

ORDER

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

Heard Mr.Rajasrinivas, learned counsel for the petitioner;
Mr.S.Kamalesh Kannan, learned Government Advocate for respondent
No.1 and Mr.Karthik Rajan, learned counsel for respondent No.2.

2.The case of the petitioner is that they have been served with de-occupation notice under Section 56(2)(iii) and (2A) of the Tamil Nadu Town and Country Planning Act, 1971 in relation to the building (first floor) constructed at No.1-26 (Plot No.364), First Avenue, Anna Nagar East, Chennai-600 102. The said notice is dated 10.06.2019. Against the said notice, the petitioner has preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 along with a stay application on 28.06.2019 before the first respondent.

3. The learned counsel for the petitioner submitted that though the appeal and the stay application have been preferred on 28.06.2019, yet, no orders have been passed thereon and they apprehend that if no order is passed in the stay application, action may be taken by the second respondent against the property.

4. In view of the fact that the petitioner has already preferred an appeal along with a stay application before the first respondent, the first respondent is directed to dispose of the stay application within a period of ten days from the date of receipt of a copy of this order and thereafter the appeal be disposed of as expeditiously as possible.

5. The writ petition is disposed of with the above observation. No costs. Consequently, W.M.P.No.19823 of 2019 is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar



To

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai - 9.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1 CC to Mr. Karthik Rajan, Advocate sr 60577.
+1 CC to Govt. Pleader sr 60262.

W.P.No.20597 of 2019

VGII (CO)
SP(13/08/2019)