

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.21830 of 2019

Ramaniyam Real Estates (P) Ltd.,
Regd. Office No.11, II Main Road,
Gandhi Nagar, Adyar,
Chennai - 600 020
rep. by its Managing Director V.Jagannathan,
Formerly it was known as
M.S.Amirta Lakshmi Realtors (P) Ltd. .. Petitioner

-vs-

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
- 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 Certiorarified Mandamus calling for the records of the second respondent vide his impugned proceedings in Letter No.ES2/6126/2008, dated 18.07.2019 and to quash the same and forbearing the respondents from proceeding further pursuant to the impugned notice dated 18.07.2019 pending disposal Appeal filed before the first respondent under Section 80A of the Tamil Nadu Town and Country Planning Act.

For Petitioner : Ms.S.Vaitheeswari

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

Mr.Karthik Raja
for respondent No.2

ORDER

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

The petitioner has filed the above writ petition challenging the de-occupation notice dated 18.07.2019 issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971.

2. It is the case of the petitioner that as against the locking and sealing notice dated 05.11.2013, the petitioner has preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent and the same is pending.

3. The learned counsel for the petitioner submitted that during the pendency of appeal filed as against the locking and sealing notice, the second respondent had issued the de-occupation notice dated 18.07.2019. Further, the learned counsel submitted that in spite of direction given by a Division Bench of this Court in W.P.No.12560 of 2017 dated 01.06.2017, the first respondent has not disposed of the appeal dated 03.12.2013 filed by the petitioner against the locking and sealing notice dated 05.11.2013. That apart, the learned counsel for the petitioner submitted that a direction may be given to the first respondent to dispose of the stay application filed in the appeal dated 03.12.2013 and till such time, the second respondent may be directed to maintain status quo with regard to the de-occupation notice dated 18.07.2019.

4. Mr.S.Kamalesh Kannan, learned Government Advocate and Mr.Karthik Rajan, learned counsel, taking notice on behalf of respondent Nos.1 and 2 respectively, would submit that the first respondent may be directed to dispose of the stay application filed in the appeal dated 03.12.2013 within a time frame.

5. Having regard to the submissions made by the learned counsel appearing on either side and in the interest of justice, we direct the first respondent to dispose of the stay application filed in the appeal dated 03.12.2013 filed by the petitioner challenging the locking and sealing notice dated 05.11.2013, within a period of ten days from the date of receipt of a copy of this order. Further, the petitioner is at liberty to file an appeal as against the impugned de-occupation notice dated 18.07.2019 as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

6. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.21043 of 2019 is closed.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

bbr

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1cc to Mr.Karthik Rayan , Advocate SR.No. 64308
+1 cc to Government Pleader Sr.No. 64255
+1cc to Mr.S.Sundaresan , Advocate SR.No. 63641

A.SK(13/08/2019)

W.P.No.21830 of 2019

WEB COPY