

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.23437 of 2019 and

W.M.P.No.23214 of 2019

A.Syed Ashraf Ali

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai.

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

3.The Corporation of Chennai,
rep by its Commissioner,
Rippon Building, Chennai - 3. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to forbear the respondents from initiating any further or other action in respect of the petitioner's premises in the Ground Floor, Door No.20, Moors Road, Chennai - 600 006 where the petitioner is carrying on a restaurant business in the name and style of "Hyderabadi Biriyan - Hot & Spicy [Family Restaurant]" till the disposal of the special revision/appeal dated 20.04.2018 made to the 1st respondent.

For Petitioner : Mr.T.K.S.Gandhi

For Respondents: Mr.S.N.Parthasarathi,
Government Advocate (R1)
Mrs.Veena Suresh (R2)
Dr.C.Ravichandran (R3)

O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus to forbear the respondents from initiating any action in respect of the petitioner's premises in the Ground Floor, Door No.20, Moors Road, Chennai - 600 006 where the petitioner is carrying on a restaurant business in the name and style of "Hyderabadi Biriyanis - Hot & Spicy [Family Restaurant]" till the disposal of the special revision/appeal dated 20.04.2018 made to the 1st respondent.

2.As against the de-occupation notice dated 26.03.2018, the petitioner preferred an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act before the 1st respondent on 20.04.2018.

3.The learned counsel appearing for the petitioner submitted that the appeal is pending for a long time and therefore, direction may be issued to the 1st respondent to dispose of the appeal within a time frame. Further, the learned counsel submitted that the petitioner has also filed a stay petition in the said appeal and the same is also pending.

4.The learned Government Advocate appearing for the 1st respondent submitted that the 1st respondent may be directed to dispose of the appeal within a time frame.

5.Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the learned counsel for the petitioner, without expressing any opinion with regard to the merits of the matter, we direct the 1st respondent to dispose of the appeal dated 20.04.2018 filed by the petitioner against the de-occupation notice dated 26.03.2018, on merits and in accordance with law, as expeditiously as possible. We also direct the 1st respondent to dispose of the stay petition filed by the petitioner in the said appeal within a period of ten days from the date of receipt of a copy of this order.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

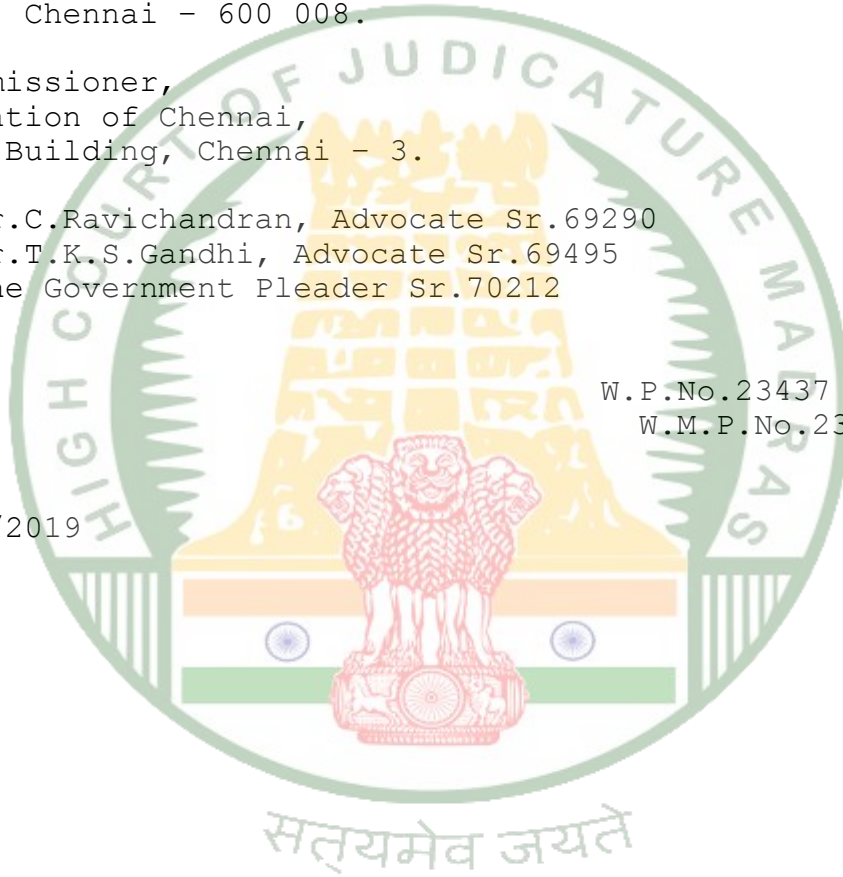
va
To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.

+lcc to Dr.C.Ravichandran, Advocate Sr.69290
+lcc to Mr.T.K.S.Gandhi, Advocate Sr.69495
+lcc to the Government Pleader Sr.70212

W.P.No.23437 of 2019 and
W.M.P.No.23214 of 2019

srg 22/08/2019



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