

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.07.2019

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.22151 of 2019
and W.M.P.No.21419 of 2019

A.R.Sankaranarayanan

.. Petitioner

-Vs-

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.

3.The Executive Engineer,
Zone 11, Greater Chennai Corporation,
Chennai 600087.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to dispose of the petitioner's appeal dated 05.07.2019 in Appeal No.14465/2019 pending before the First Respondent not to De-occupy the petitioner pursuant to the De-occupation notice dated 15.07.2019 vide Notice No.8/2019.

For Petitioner : Mr.R.Kannan

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

Dr.C.Ravichandran
for respondent No.2 & 3

ORDER

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

The petitioner has filed the above writ petition challenging the de-occupation notice dated 15.07.2019 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 31.05.2019, the petitioner has preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent on 05.07.2019 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 15.07.2019. 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 05.07.2019 and till such time, the second respondent may be directed to maintain status quo with regard to the de-occupation notice dated 15.07.2019.

4.Mr.S.Kamalesh Kannan, learned Government Advocate, taking notice on behalf of respondent no.1 and Dr.C.Ravichandran, learned standing counsel, taking notice on behalf of respondent Nos.2 and 3, would submit that the first respondent may be directed to dispose of the stay application filed in the appeal dated 05.07.2019 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 05.07.2019 filed by the petitioner challenging the locking and sealing notice dated 31.05.2019, 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 15.07.2019 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.21419 of 2019 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.

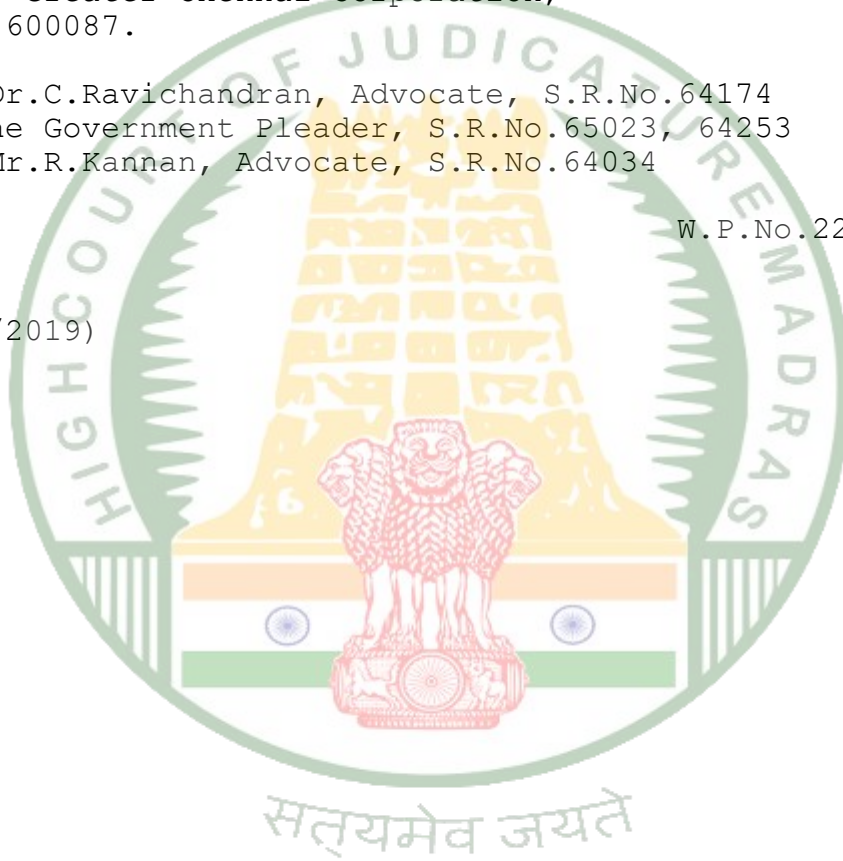
3.The Executive Engineer,
Zone 11, Greater Chennai Corporation,
Chennai 600087.

+2ccs to Dr.C.Ravichandran, Advocate, S.R.No.64174
+1cc to the Government Pleader, S.R.No.65023, 64253
+2ccs to Mr.R.Kannan, Advocate, S.R.No.64034

W.P.No.22151 of 2019

BR(CO)

RRS (19/08/2019)



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