

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.25167 of 2019

and W.M.P.Nos.24735 and 24740 of 2019

K.Lakkay Gowder Trust

Rep. by its Managing Trustee,

Mr.Balalingiah.

.. Petitioner

-vs-

1.The Government of Tamilnadu,
Rep. by its Secretary, Housing and
Urban Development Dept.,
Fort St. George, Secretariat,
Chennai 600 009.

2.The Collector/Chairman,
Office of the Collectorate,
Building Plan Approval Committee,
Nilgiris District.

3.The Member Secretary/The Commissioner,
Udagamandalam Municipality,
Nilgiris District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, to call for the records of the 3rd respondent in his proceedings in UAC No.02/2019/N dated 13.06.2019 issued under Section 56 (2A) and (5) Clause (a) and (b) (i) (ii) of the Tamilnadu Town and Country Planning Act, 1971, and the consequential Impugned Notice dated 22.07.21019, quash the same.

For Petitioner : Mr.R.Subramanian
for Mr.M.Rajasekar

For Respondents : Mr.S.N.Parthasarathi
Govt. Advocate for RR 1 & 2

O R D E R

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

Heard Mr.R.Subramanian, learned counsel for the petitioner and Mr.S.N.Parthasarathi, learned Government Advocate, for respondent nos.1 and 2.

2.The case of the petitioner is that he received a locking and sealing and demolition notice dated 13.06.2019. The said notice is under Section 56 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The notice pertains to unauthorised construction of commercial building bearing T.S.No.C/11/14 at West Bury Road, Ooty Town, Ooty Taluk, Nilgiris District. The further case of the petitioner is that being aggrieved by the said notice, the petitioner preferred an appeal under Section 80-A of the said Act on 28.06.2019. In the said appeal, the petitioner has also preferred an application for stay on the same date.

3.The grievance of the petitioner is that though the appeal as well as the application for stay were filed on 28.06.2019, till today, no orders have been passed thereon, hence, the petitioner prayed that his appeal and the application for stay be disposed of at the earliest.

4.In view of the submission made by the learned counsel for the petitioner, we direct the first respondent to dispose of the application for stay preferred by the petitioner on 28.06.2019 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.

The writ petition is, accordingly, disposed of. No costs. Consequently, W.M.P.Nos.24735 and 24740 of 2019 are closed.

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

sra
To

1.The Secretary to Govt. of Tamilnadu,
Housing and Urban Development Dept.,
Fort St. George, Secretariat, Chennai 600 009.

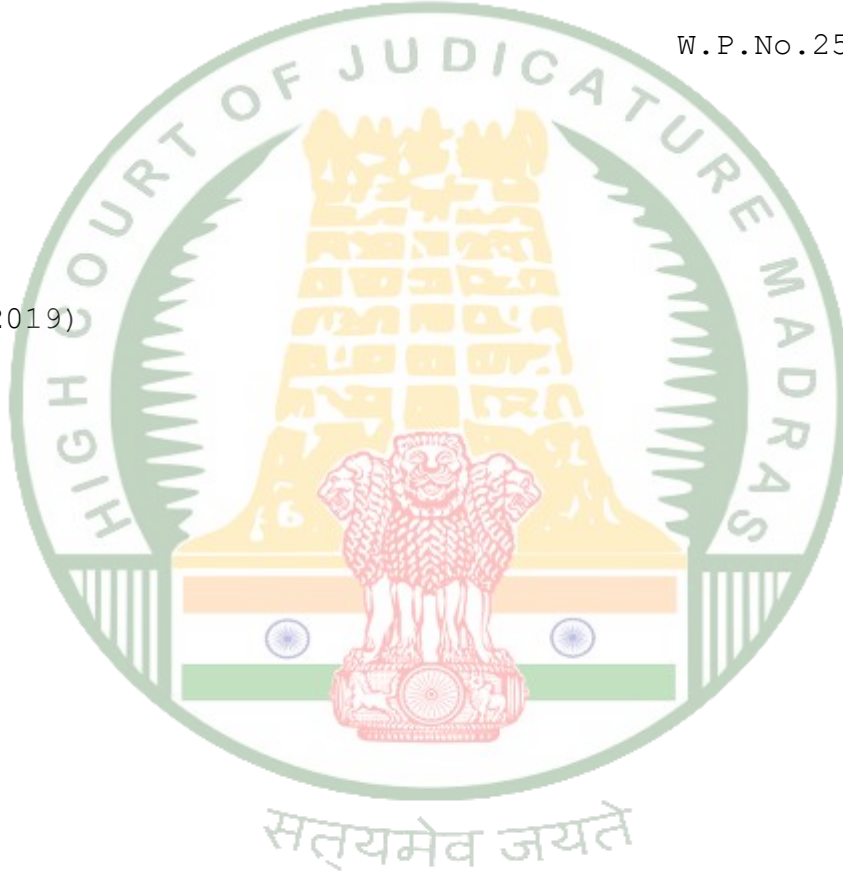
2.The Collector/Chairman,
Office of the Collectorate,
Building Plan Approval Committee,
Nilgiris District.

3.The Member Secretary/The Commissioner,
Udagamandalam Municipality,
Nilgiris District.

+1 CC to Mr.M.Rajasekar, Advocate sr 75756.
+1 CC to Govt. Pleader sr 76251.

W.P.No.25167 of 2019

RK (CO)
SP(13/09/2019)



WEB COPY