

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.24152 of 2019

S.Geetha

.. Petitioner

-vs-

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Park Town, Chennai.
- 2.The Executive Engineer Div 135,
Zone 10, Greater Chennai Corporation,
No.64, NSK Salai,
Kodambakkam, Chennai-24.
- 3.The Assistant Executive Engineer, Unit 31,
Zone 10, Greater Chennai Corporation,
No.64, NSK Salai,
Kodambakkam, Chennai-24.
- 4.The Assistant Engineer, Div 135, Unit 31,
Zone 10, Greater Chennai Corporation,
No.58, Thambaiah Road,
West Mambalam,
Chennai-33.
- 5.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents from any manner sealing and locking or demolishing, deoccupying the petitioner's premises bearing New No.44, Old No.30, Babu Rajendra Prasad 1st Street, West Mambalam, Chennai-33 pending disposal of the statutory appeal filed by the petitioner under Section 80A of the Town and Country Planning Act before the 5th respondent.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Dr.C.Ravichandran
for respondent Nos.1 to 4

Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent No.5

ORDER

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

Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner; Dr.C.Ravichandran, learned counsel for respondent Nos.1 to 4 and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for respondent No.5.

2. The case of the petitioner is that she has been served with de-occupation notice dated 09.08.2019 in relation to the building at New No.44, Old No.30, Babu Rajendra Prasad 1st Street, Chennai-600 033. Further case of the petitioner is that against the said notice, she has preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 along with a stay application. According to the learned counsel for the petitioner, the appeal papers were sent to the fifth respondent by registered post on 13.08.2019.

3. The learned counsel for the petitioner submitted that though the appeal and the stay application have been preferred on 13.08.2019, yet, no orders have been passed thereon and the petitioner apprehends that if no order is passed in the stay application, action may be taken by respondent Nos.2 to 4 against the property which is occupied by her.

4. In view of the fact that the petitioner has already preferred appeal along with stay application before the fifth respondent, the fifth 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.23943 of 2019 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To:

- 1.The Commissioner,
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- 5.The Secretary to Government,
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Chennai.

+1cc to the Government Pleader sr.70869
+1cc to Mr.N.A.Nissar Ahmed, Advocate Sr.70367
+1cc to Mr.C.Ravichandran, Advocate Sr.70028

W.P.No.24152 of 2019

sv[co]
srg 17/9/2019