

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.25097 of 2019

R.Babulal

.. Petitioner

-vs-

1.The Executive Engineer,
Zone 04 (Tondiarpet)
Greater Corporation of Chennai,
No.266, Thiruvotriyur High Road,
Chennai - 600 021.

2.The Assistant Executive Engineer,
Unit 11,
Greater Corporation of Chennai,
No.266, Thiruvotriyur High Road,
Chennai - 600 021.

3.The Assistant Engineer (AE/DN),
Division-47,
Greater Corporation of Chennai,
No.266, Thiruvotriyur High Road,
Chennai - 600 021.

4.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents not to proceed further pursuant to the lock and seal and demolition notice dated 15.07.2019 vide letter No.04/00015/2019 pending disposal of the statutory appeal dated 06.08.2019 on the file of the 4th respondent, the Secretary to Government (Housing and Urban Development Department at Chennai).

For Petitioner

: Ms.S.Anuradha Balaji

For Respondents

: Dr.C.Ravichandran
for respondent Nos.1 to 3

Mr.S.N.Parthasarathi
Government Advocate
for respondent No.4

ORDER

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

Heard Ms.S.Anuradha Balaji, learned counsel for the petitioner; Dr.C.Ravichandran, learned counsel for respondent Nos.1 to 3 and Mr.S.N.Parthasarathi, learned counsel for respondent No.4.

2. The case of the petitioner is that locking and sealing and demolition notice dated 15.07.2019 was issued to the petitioner under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice pertains to the construction of Krishna residential/commercial building at Door No.12/52, Sigirinthapalayam 5th street, Korukupet, Chennai-600 021. As against the said notice, the petitioner has preferred an appeal on 06.08.2019 as well as application for stay in the said appeal.

3. The learned counsel for the petitioner submitted that though the appeal and the stay application have been preferred on 06.08.2019, 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.1 to 3 against the property which is occupied by him.

4. In view of the fact that the petitioner has already preferred appeal along with stay application before the fourth respondent, the fourth 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.24669 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

- 1.The Executive Engineer,
Zone 04 (Tondiarpet)/
Greater Corporation of Chennai,
No.266, Thiruvotriyur High Road,
Chennai - 600 021.
- 2.The Assistant Executive Engineer,
Unit 11, Greater Corporation of Chennai,
No.266, Thiruvotriyur High Road,
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- 3.The Assistant Engineer (AE/DN),
Division-47, Greater Corporation of Chennai,
No.266, Thiruvotriyur High Road,
Chennai - 600 021.
- 4.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.

+1 cc to M/s.S.Anuradha, Advocate Sr.No. 74459
+1 cc to Dr.C.Ravichandran, Advocate Sr.No. 74877
+1 cc to The Government Pleader Sr.No.75512

AKM/20.09.19/3P-8C /

W.P.No.25097 of 2019

सत्यमेव जयते

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