

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.26328 of 2019

J.Ragu

... Petitioner

-vs-

- 1.The Member Secretary,
Chengalpattu Local Planning Authority,
Chengalpattu Region,
No.124, GST Road,
Periyar Shopping Complex,
Chengalpattu-603 001.
- 2.The Executive Officer,
Nandhivaram Guduvancherry Town Panchayat,
Chengalpattu Taluk,
Kancheepuram District.
- 3.The Commissioner/
Director of Town and Country Planning,
807, Anna Salai,
Chennai-02.

.. Respondents

सत्यमेव जयते

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents 1 and 2 from in any manner initiating any coercive action of locking, sealing and demolition of M/s.Varhaman Motors, Yamaha Service Centre for two wheelers put up at No.2, K.K.Nagar, 2nd Main Road, Guduvancherry, Chennai, till the disposal of the petitioner's appeal under Section 80 of the Tamil Nadu Town and Country Planning Act dated 29.07.2019 pending on the file of the 1st respondent.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

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

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader for the respondents.

2. The case of the petitioner is that he has been served with notice under Section 85 read with Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice is dated 25.07.2019. The said notice pertains to the unauthorised construction put up at Plot No.2, K.K. Nagar, Nandhivaram Guduvancherry Town Panchayat belonging to the petitioner, where Yamaha Service Centre for two wheelers is now run by M/s.Varthamaan Motors. Further case of the petitioner is that against the said notice, he has preferred revision before the first respondent under Section 80 of the Tamil Nadu Town and Country Planning Act, 1971 on 29.07.2019. In the said revision, the petitioner has also filed an application for stay.

3. The learned counsel for the petitioner submitted that though the revision and the stay application have been preferred on 29.07.2019, 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 No.2 against the property.

4. In view of the fact that the petitioner has already preferred revision along with stay application before the first respondent, the first 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 revision 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.25678 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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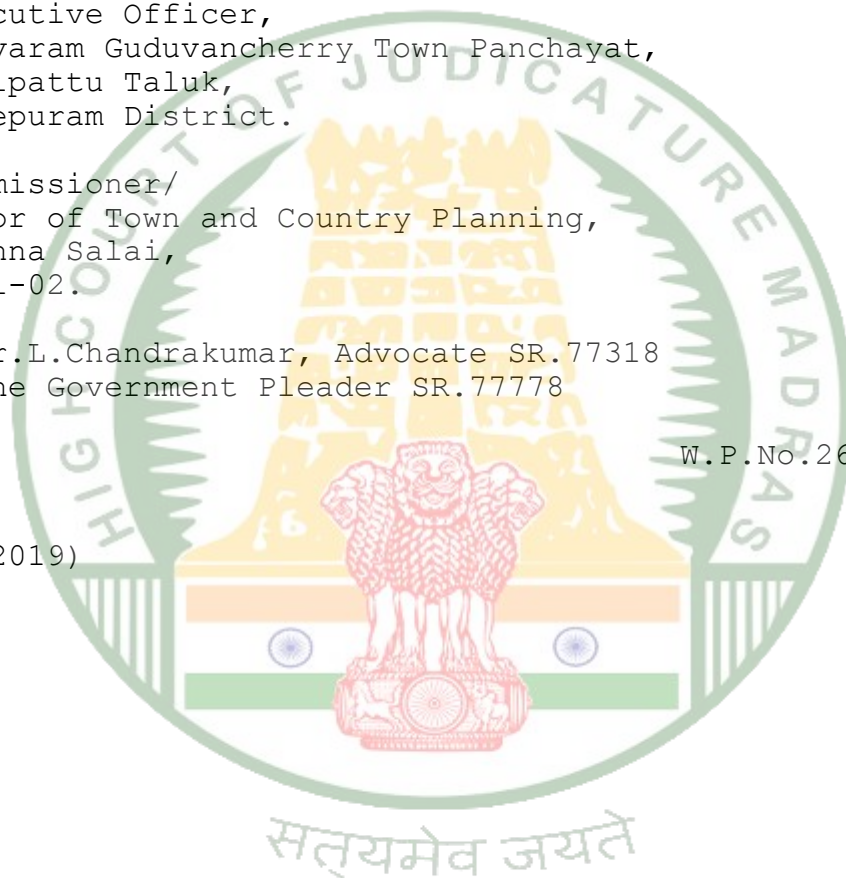
To:

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+lcc to Mr.L.Chandrakumar, Advocate SR.77318
+lcc to the Government Pleader SR.77778

W.P.No.26328 of 2019

GP(CO)
CB(18/10/2019)



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