

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.31424 of 2019

Natarajan

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Petitioner

Vs

- 1.State of Tamil Nadu
Rep. by the Secretary
Housing and Urban Development
Fort St. George
Chennai - 600 009.
- 2.The Director
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
Gandhi Irwin Road
Chennai - 600 008.
- 3.The Greater Chennai Corporation
Zone 7, Ambattur
Rep. by the Assistant Engineer
No.536, Chennai Tiruvallur Highway Road
Opposite Dunlop Company
Ambattur, Chennai - 53.
- 4.The Assistant Executive Engineer
The Greater Chennai Corporation
Zone 7, Ambattur
No.536, Chennai Tiruvallur Highway Road
Opposite Dunlop Company
Ambattur, Chennai - 53.
- 5.The Executive Engineer
The Greater Chennai Corporation
Zone 7, Ambattur
No.536, Chennai Tiruvallur Highway Road
Opposite Dunlop Company
Ambattur, Chennai - 53.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent authorities to dispose the stay application along with appeal filed on 16.10.2019 on the file of 1st respondent preferred against Notice No.Zone 7/Division 86/TPENF/548/2019 dated 09.09.2019 on the file of 3rd respondent.

For Petitioner : Mr.M.S.Krishnan, Senior Counsel
for Mr.R.Rajarajan

For Respondents: Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader for R1

Mr.V.C.Selvasekaran for R3 to R5

Mr.B.S.Ganesh for R2

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J]

By consent, this writ petition is taken up for final disposal.

2. The petitioner claims to be the owner of the northern portion of the land situate at Plot No.SP 63, SIDCO Industrial Complex, Ambattur, admeasuring to an extent of 2356 sq. ft., together with 200 sq. ft. RCC building and 2000 sq. ft ACC shed, through a registered sale deed 11.01.2019, bearing Document No.382 of 2019, on the file of the office of the Sub-Registrar, Ambattur, for industrial purpose viz., to do automobile spare parts. The petitioner was issued with a notice under Sections 56 and 57 r/w Section 85 of the 'Tamil Nadu Town and Country Planning Act, 1971' (hereinafter referred to as 'TCP Act'), dated 04.10.2019 in Notice No.Zone-7/Division 86/TPENF/548/2019 by the 5th respondent and it is followed by the order of the 3rd respondent dated 09.09.2019, calling for approved plan under Sections 56 and 57 of The TCP Act. The petitioner challenging the locking & sealing and demolition notice dated 04.10.2019 issued by the 5th respondent, filed a statutory revision/appeal before the first respondent during October 2019 and pending disposal of the same also filed a petition for stay praying stay for all further proceedings pursuant to the said notice.

3. Mr.M.S.Krishanan, learned Senior Counsel assisted by Mr.R.Rajarajan, learned counsel appearing for the petitioner would submit that despite the entertainment of the revision/appeal along with a petition for stay, neither the stay petition nor the main revision/appeal is taken and as a result, the officials of Corporation of Chennai are threatening to lock and seal of the premises and in that event, the entire exercise would become infructuous and therefore, prays for appropriate orders for early disposal of the petition for stay as well as the main revision/appeal.

4. This Court heard the submission of Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who accepts notice on behalf of respondent No.1, Mr.B.S.Ganesh, learned Standing Counsel, who accepts notice on behalf of respondent No.2 and Mr.V.C.Selvasekaran, learned Standing Counsel, who accepts notice on behalf of respondent Nos.3 to 5.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and also the arguments advanced by the learned Senior Counsel appearing for the petitioner and without going into the merits of the claim projected by the petitioner either in his special revision/appeal or in this writ petition, directs the first respondent to entertain the special revision/appeal, if the papers are otherwise in order and give a disposal to the petition for stay within a period of three weeks from the date of receipt of a copy of this order and inform the decision taken to the petitioner and make every endeavour to dispose of the main special revision/appeal as expeditiously as possible.

6. Respondents 3 to 5, till the disposal of the petition for stay, shall defer further decision in terms of the notice of the 5th respondent dated 04.10.2019.

7. This writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)
//True Copy//

Sub Assistant Registrar

vsm

To

- 1.The Secretary
Housing and Urban Development
Fort St. George, Chennai - 600 009.
- 2.The Director
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
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+1cc to Government Pleader SR.NO. 92510
+1cc to Mr.R.Rajarajan, Advocate sr.93115

W.P.No.31424 of 2019

jp(co)
nr 12/12/2019

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