

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.33750 of 2019

and

W.M.P.No.34232 of 2019

Dilshad Shamim
S/o.Shamim Akhter

... Petitioner

Vs

1.The Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai - 600009.

2.The Commissioner,
Corporation of Greater Chennai,
Chennai - 600 003.

3.The Executive Engineer,
Zone - 14, Corporation of Chennai,
Chennai - 600091.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records comprised in Letter No.14/00090/2019 issued by the third respondent dated 19.11.2019 and quash the same and consequently, direct the first respondent to dispose of the petitioner's stay application dated 08.11.2019 within a stipulated time as fixed by this Court.

For Petitioner : Mr.B.Gurunathan

For Respondents: Mr.K.S.Suresh,
Government Advocate [R1]
Dr.C.Ravichandran [R2 & R3]

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed the present Writ Petition seeking to quash the Letter No.14/00090/2019 issued by the third respondent dated 19.11.2019 and consequently, direct the first respondent to dispose of the petitioner's revision dated 08.11.2019 within a stipulated time.

2. Learned counsel for petitioner submits that petitioner is the owner of the property situated at Plot No.153, Door No.89, Maheshwari Flats, Panchayat Main Road, Chennai - 600096. He has purchased the said property by way of a sale deed dated 12.03.2008 bearing Doc.No.1052 of 2008 on the file of SRO, Neelangarai. Petitioner has purchased the flat bearing No.'C' at Ground Floor. Since the said flat is not suitable for residential purpose, petitioner has decided to change the same to commercial and in this regard, he has also submitted an application dated 21.06.2018 to second respondent, which was approved. Petitioner has also paid commercial rate of tax till March 2020. While so, on the basis of complaint given by one Surilirajan, the third respondent issued a stop work notice dated 18.09.2019, to which petitioner has also sent a reply dated 20.09.2019. However, without considering the same, the third respondent issued the impugned lock and seal and demolition notice dated 16.10.2019 to the petitioner premises. Challenging the same, petitioner filed a revision u/s.80-A of Tamil Nadu Town and Country Planning Act, 1971, before the first respondent, but, till date the same is pending. Hence, the present Writ Petition has been filed seeking the aforesaid relief.

3. Heard the learned Government Advocate appearing for first respondent and learned standing counsel appearing for respondents 2 and 3 on the above submissions.

4. Taking note of the fact that the revision filed by the petitioner challenging the order passed by the third respondent is still pending on the file of first respondent, this Court is not inclined to quash the same. Hence, this Court directs the first respondent to dispose of the revision filed by the petitioner at the earliest, preferably, within a period of twelve weeks from the date of receipt of this order. Status quo, as on date, shall be maintained till the disposal of the revision by the first respondent.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

gm

To

1.The Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai - 600009.

2.The Commissioner,
Corporation of Greater Chennai,
Chennai - 600 003.

3.The Executive Engineer,
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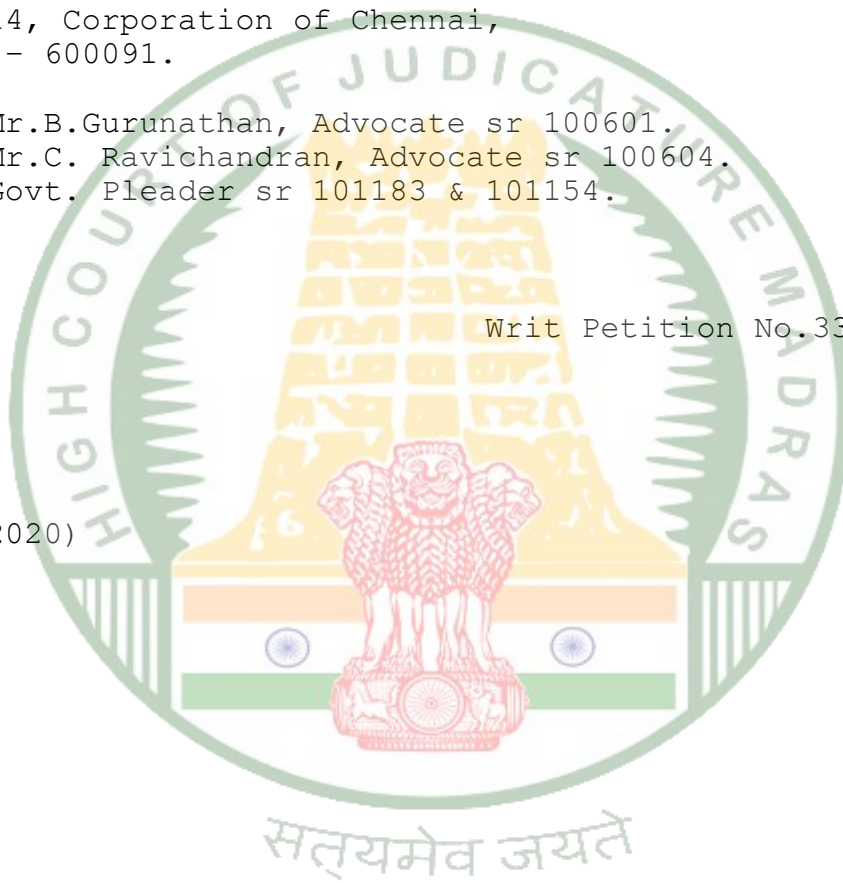
+1 CC to Mr.B.Gurunathan, Advocate sr 100601.

+1 CC to Mr.C. Ravichandran, Advocate sr 100604.

+1 CC to Govt. Pleader sr 101183 & 101154.

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RK(CO)
SP(22/01/2020)



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