



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY
AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.27148 of 2019

and

W.M.P(MD)Nos.23459 & 23460 of 2019

John Construction Private Limited,
Rep. by the Director,
No.96, Royar Thoppu,
Srirengam,
Trichy - 620 006.

... Petitioner

Vs.

1.The Commissioner,
Trichy Corporation,
Trichy.

2.The Assistant Commissioner,
K.Abishekapuram Division,
Trichy Corporation,
Trichy.

3.The Junior Engineer,
K.Abishekapuram Division,
Trichy Corporation,
Trichy.

4.The Secretary to the Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.

... Respondents

(R - 4 is *suo motu* impleaded vide
order dated 20.12.2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order in Na.Ka.No.16315/2019F1(Ko.Abi) dated 12.12.2019 issued by the second respondent and quash the same as illegal.

For Petitioner

: Mr.F.X.Eugene

For R - 1

: Mr.Saji Bino



For R - 4

: Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

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(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 12.12.2019 issued by the second respondent and to quash the same.

2.Mr.F.X.Eugene, learned counsel appearing for the petitioner submitted that the petitioner had filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the Secretary to the Government, Housing and Urban Development Department, Secretariat, Chennai - 600 009 on 09.09.2019 along with a stay petition under Section 80-A(3) of the Act. Further, the learned counsel submitted that the Appellate Authority has not passed any order in the stay petition so far.

3.However, the petitioner has not made the Secretary to the Government, Housing and Urban Development Department, Secretariat, Chennai - 600 009, as a party in the Writ Petition. Since the appeal is pending before the Secretary to the Government, Housing and Urban Development Department, we *suo motu* implead the Secretary to the Government, Housing and Urban Development Department, Secretariat, Chennai - 600 009, as the fourth respondent in the Writ Petition.

4.Mr.VR.Shanmuganathan, learned Special Government Pleader taking notice for the fourth respondent submitted that a direction may be given to the fourth respondent to dispose of the stay petition within a time frame.

5.Having regard to the submissions made by the learned counsel appearing on either side, without expressing any opinion with regard to the merits of the case, we direct the fourth respondent to pass orders on the stay application filed by the petitioner under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971, within a period of two weeks from the date of receipt of a copy of this order. The fourth respondent is also directed to dispose of the appeal preferred by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, on 09.09.2019, within a period of two months from the date of disposal of the stay petition.



6.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Trichy Corporation,
Trichy.

2.The Assistant Commissioner,
K.Abishekapuram Division,
Trichy Corporation,
Trichy.

3.The Junior Engineer,
K.Abishekapuram Division,
Trichy Corporation,
Trichy.

4.The Secretary to the Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.

+1 CC to M/s.M/S.S.SAJI BINO, Advocate (SR-106128[F] dated
20/12/2019)

+1 CC to M/s.F.X.EUGENE, Advocate (SR-106132[F] dated 20/12/2019)

W.P(MD)No.27148 of 2019
20.12.2019

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TR(20.12.2019) 3P 7C