

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.12672 of 2020
& W.M.P.No. 15650 of 2020

Suganya

..Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

2.The Executive Engineer,
Zone-05, Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

3.The Assistant Executive Engineer,
Unit 12, Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

4.The Assistant Engineer,
Division - 052, Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

5.R.Prasad Rao

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned de-occupation notice dated 24.08.2020 in Letter No.05/03981/2020 issued by the respondents 2 to 4, quash the same and consequentially direct the respondents to pass any conditional/appropriate orders on the application for planning permission submitted by the petitioner on 27.08.2019 which is now pending for consideration before the office of the 1st respondent.

For Petitioner .. M/s.K.Subhashini
for Chennai Law Associates

For Respondents .. Mr.K.Raja Shrinivas
for R1 to R4

ORDER

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

The petitioner has come forward to file this writ petition challenging the de-occupation notice dated 24.08.2020 issued by the respondents 2 to 4.

2. As rightly submitted by the learned counsel appearing for the respondents 1 to 4 , the order impugned is appealable. However, considering the submission of the learned counsel for the petitioner that the petitioner is residing in the said place along with her family, we are inclined to grant a further period of four weeks from the date of receipt of a copy of this order to file an appeal to the Government. Till such time, status quo as on today shall be maintained. Thereafter, the petitioner is at liberty to get appropriate interim orders from the appellate authority. It is needless to mention that the 5th respondent at whose instance the order impugned has been passed will also to be heard by the Government. We are not issuing any notice and hearing the 5th respondent, as he may not have any serious objection for the petitioner to file an appeal and the interim order is only temporary and transient in nature.

3. This writ petition stands disposed of accordingly. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner, Greater Chennai Corporation, Ripon Building, Chennai - 600 003.
2. The Executive Engineer, Zone-05, Greater Chennai Corporation, Ripon Building, Chennai - 600 003.
3. The Assistant Executive Engineer, Unit 12, Greater Chennai Corporation, Ripon Building, Chennai - 600 003.
4. The Assistant Engineer, Division - 052, Greater Chennai Corporation, Ripon Building, Chennai - 600 003.

+1cc to Mr.K.Raja Srinivas, Advocate in Sr.29743

+2cc to M/s.Chennai Law Associates in Sr.29698

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CA (CO)
RV (04/11/2020)



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