

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 13.05.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY
W.P.No.11898 of 2021 & WMP.No.12648 of 2021

[Video Conferencing]

K.Vivekanandan

.. Petitioner

Versus

- 1.The State of Tamil Nadu,
Rep. By Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Park Town,
Chennai - 600 003.
- 3.The Executive Engineer,
Zone - 01.
- 4.The Assistant Executive Engineer,
Unit 03.
- 5.The Assistant Engineer,
Division No.11,
Respondents 3 to 5 having office at
West Mada Street, Thiruvottriyur,
Chennai - 600 019.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, forbearing the respondents from demolishing the construction in the premises bearing Door No.17/12B, Thirupurasundari Nagar, Kaladipet, Thiruvottriyur, Chennai - 600 019 pending disposal of the appeal dated 29.05.2020 u/s 80(A)(3) of Tamil Nadu Town and Country Planning Act (Tamil Nadu Act 35 of 1972) and amended Act 61 of 2008 filed against the Lock and Seal and Demolition Notice U/s. 57 r.w Section 85 of Town and Country Planning Act, 1971 in reference letter No.01/00984/2020 dated 13.05.2020 on the file of the first respondent.

For Petitioner : Mr.J.R.K.Bhavanantham
For Respondents: Mrs.A.Srijayanthi
Special Govt. Pleader for R1

Mr.P.Gopinath
Standing Counsel for R2 to R5

ORDER

- (1) Heard the submissions of the learned counsel for the petitioner; Mrs.A.Srijayanthi, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.R.Gopinath, learned Standing counsel accepts notice on behalf of respondents 2 to 5.
- (2) The writ petitioner challenges the De-occupation Notice issued by the respondents in Letter No.01/00027/2021 dated 26.02.2021.
- (3) As a matter of fact, Stop Work Notice has been issued as early as on 05.03.2020 by the respondents herein and pursuant to that, a Locking and Sealing Notice had also been issued on 13.05.2020. Questioning such a Notice, an appeal had also been filed by the petitioner under Section 80[A][3] of the Tamil Nadu Town and Country Planning Act, 1971, which is now pending on the file of the 1st respondent. This appeal has been preferred on 29.05.2020.
- (4) It is stated that no orders have been passed in the appeal and subsequently, the respondents appeared to have passed orders on 29.09.2020 [2nd Lock and Seal Notice] and 26.02.2021 respectively.
- (5) In view of the fact that the appeal had been preferred presumably within the statutory period, a direction is given to the 1st respondent to dispose of the said appeal within a period of twelve weeks from this date and pass a considered order.
- (6) Let principles of natural justice also be followed during the course of hearing of the appeal and till a decision is taken in the appeal, the order impugned, is kept in abeyance.
- (7) The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

AP

To:

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Park Town,
Chennai - 600 003.

3.The Executive Engineer,
Zone - 01,
West Mada Street, Thiruvottriyur,
Chennai - 600 019.

4.The Assistant Executive Engineer,
Unit 03, West Mada Street, Thiruvottriyur,
Chennai - 600 019.

5.The Assistant Engineer,
Division No.11,
West Mada Street, Thiruvottriyur,
Chennai - 600 019.

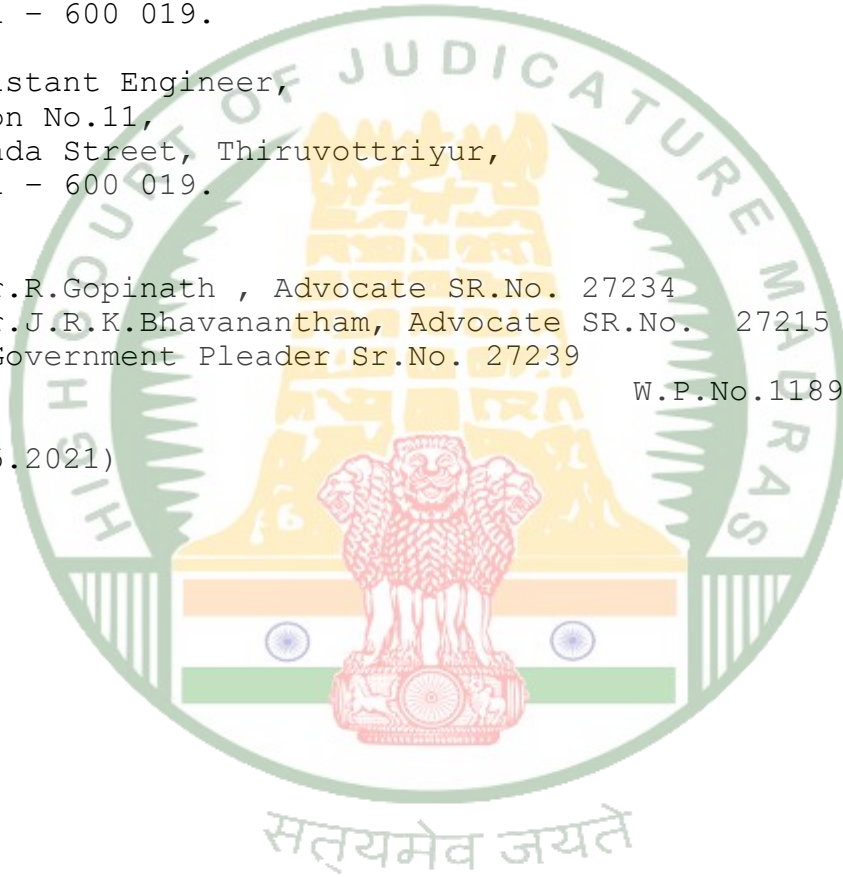
+1cc to Mr.R.Gopinath , Advocate SR.No. 27234

+1cc to Mr.J.R.K.Bhavanantham, Advocate SR.No. 27215

+1 cc to Government Pleader Sr.No. 27239

W.P.No.11898 of 2021

A.SK(19.05.2021)



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