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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.11757 of 2021 & W.M.P.No.12520 of 2021

K.Kottirajan

.... Petitioner

Vs

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,

Resp. 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 2 to 4 from demolishing the construction in the premises bearing Door No.17/12C Thirupurasundari Nagar Kaladipet Thiruvottriyur Chennai-600 019 pending disposal of the Appeal dt. 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. 01/00983 / 2020 dated 13.05.2020 on the file of the First Respondent.



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For Petitioner : Mr.J.R.K.Bhavanantham
For Respondents : Mrs.A.Srijayanthi,
Government Advocate - for R1
Mr.Raja Srinivas, Standing Counsel
- for RR 2 to 5

O R D E R

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is to forbear the Respondents 2 to 4 from demolishing the construction in the premises bearing Door No.17/12C Thirupurasundari Nagar Kaladipet Thiruvottriyur Chennai-600 019 pending disposal of the Appeal dt. 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. 01/00983 / 2020 dated 13.05.2020 on the file of the First Respondent.

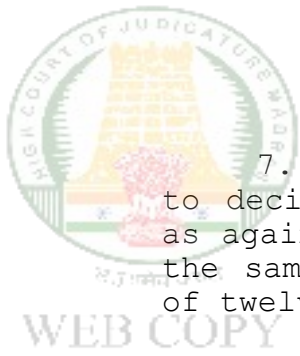
2. In respect of the property bearing Door No.17/12C, Thirupurasundari Nagar Kaladipet, Thiruvottriyur, Chennai-600 019, a lock and seal notice dated 13.05.2020 was issued by the respondents, as against which appeal has been filed before the first respondent on 29.05.2020. However, the said appeal is yet to be decided and the same is kept pending. In the meanwhile, de-occupation notice also has been issued on 26.02.2021. Therefore, in order to decide the appeal which has been filed and kept pending before the first respondent for more than a year, the petitioner has approached this Court with the aforesaid prayer.

3. Heard Mr.J.R.K.Bhavanantham, learned counsel appearing for the petitioner, who after having reiterated the aforesaid facts, seeks the indulgence of this Court to give suitable direction to the respondents.

4. Mrs.A.Srijayanthi, learned Government Advocate accepts notice on behalf of the first respondent and submits that, within a time frame that may be stipulated by this Court, the said appeal dated 29.05.2020 would be decided on merits by the first respondent.

5. Mr.Raja Srinivas, learned Standing Counsel accepts notice on behalf of the respondents 2 to 5.

6. Having considered the submissions and by taking into account the materials placed on record, we are inclined to dispose of this writ petition with the following order.



7. That there shall be a direction to the first respondent to decide the appeal dated 29.05.2020 filed by the petitioner, as against the lock and seal notice dated 13.05.2020, and decide the same on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. It is made clear that, pending disposal of the appeal or till a decision is taken by the appellate authority as directed above, the lock and seal notice dated 13.05.2020 shall be kept in abeyance.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KST

To

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

+1cc to The Government Pleader, SR No.27149

+1cc to Mr.J.R.K.Bhavanantham,Advocate, SR No.27101.

W.P.No.11757 of 2021

UM(CO)

B.VC (03/08/2021)