



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.13258 of 2021

and

W.M.P.Nos.14064 & 14066 of 2021

1.Suresh Kumar, M/41,
Son of Ravji Patel

2.Sangeetha Patel, F/40,
Wife of Suresh Kumar

Both are residing at
No.4, 7th Street,
Anjugam Nagar,
Kolathur, Chennai 600 099.

... Petitioners

Vs

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

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

3.The Executive Engineer,
Zone-03, Greater Chennai Corporation,
No.1, Thattankulam Salai,
Bazar Road, Madhavaram,
Chennai 600 060

4.The Assistant Executive Engineer,
Zone-03, Greater Chennai Corporation,
No.1, Thattankulam Salai,
Bazar Road, Madhavaram,
Chennai 600 060.

5.The Assistant Engineer,
Division - 025,
Greater Chennai Corporation,
No.1, Thattankulam Salai,
Bazar Road, Madhavaram,
Chennai 600 060

... Respondents



PRAYER : Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to dispose of the unnumbered stay application in the unnumbered appeal under Section 80A of the Town and Country Planning Act, 1971 acknowledged by the 1st respondent on 24.03.2021 pending on the file of the 1st respondent within a stipulated time as prescribed by this Court.

For Petitioner : Mr.V.Raghavachari
for Mr.R.Jayaprakash

For Respondents : Mr.P.Balathandayutham
State Government Counsel (for R1)

Mr.Raja Srinivas
Standing Counsel (for R2 to R5)

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The Petitioner is the owner of the property bearing Door No.56, Ambedkar Street, Kathirvedu Village, Puzhal Post, Ambattur Taluk, Thiruvallur District 600 066 comprised in Survey No.3/3A, 2/1A to an extent of 2.00 Acres. The Petitioner's father is said to have obtained project approval from Puzhal Panjayat Union vide Lr.No.RC/1446/A3/2011 dated 18.10.2011 and made construction to an extent of 60,874 sq. ft. in the year 2012. The said property was used as godown.

2.Further the 4th Respondent has issued stop work notice under Section 56 & 57 of the Town and Country Planning Act, 1971 on 01.12.2020. Thereafter, lock & seal and demolition notice has been issued on 16.02.2021, against which the Petitioners have preferred an appeal/revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the 1st respondent on 24.03.2021. Without considering the Petitioner's appeal, de-occupation notice dated 11.06.2021 has been issued by the 1st respondent and hence this Petition.

3.Heard Mr.V.Raghavachari, learned counsel for Mr.R.Jayaprakash, learned counsel appearing on behalf of the Petitioner and Mr.P.Balathandayutham, learned State Government Counsel appearing on behalf of R1 and Mr.Raja Srinivas, learned Standing Counsel appearing on behalf of R2 to R5.

4.Taking into consideration that the Appeal has been preferred under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 as early as on 24.03.2021, against the lock & seal notice issued by the 4th respondent on 16.02.2021, this Court directs the 1st respondent to dispose of the Appeal filed



by the Petitioner, within a period of sixteen weeks from the date of receipt of a copy of this order.

5. The respondent is flooded with many Appeals and for each and every matter if the Petitioner is filing an Appeal, it may not be practically possible for the 1st respondent to pass orders in the stay Petition and separate order in the Appeal and therefore, to avoid multiplicity of proceedings and also the hearings, it is appropriate to direct the 1st respondent to dispose of the Appeal within a period of 16 weeks. By this Order, this Court allowed the stay petition filed by the Petitioner and directs the Respondents not to take any coercive steps till the disposal of the Appeal and copy of the order passed by the 1st Respondent is served upon the Petitioner.

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

s/d-
Assistant Registrar (CS)

True Copy

Sub-Assistant Registrar

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To

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

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

3. The Executive Engineer,
Zone-03, Greater Chennai Corporation,
No.1, Thattankulam Salai,
Bazar Road, Madhavaram,
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4. The Assistant Executive Engineer,
Zone-03, Greater Chennai Corporation,
No.1, Thattankulam Salai,
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5.The Assistant Engineer,
Division - 025,
Greater Chennai Corporation,
No.1, Thattankulam Salai,
Bazar Road, Madhavaram,
Chennai 600 060

+1cc to Mr.T.Jaya Prakash , Advocate SR.No.29307

+1 cc to Government Pleader Sr.No.29378

W.P.No.13258 of 2021
Dated : 24.06.2021

PCH(CO)
A.SK(04.08.2021)