



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.P.No.13694 of 2021
and
W.M.P.No.14535 of 2021

P.C.Bashiam

...Petitioner

Vs

1.The State Rep. By
The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai-600009.

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

3.The Executive Engineer,
Town Planning,
Greater Chennai Corporation,
Zone-IX-Nungampakkam,
Chennai-600034.

4.The Assistant Executive Engineer,
Unit-24, Zone-IX,
Greater Chennai Corporation,
Nungampakkam,
Chennai.

5.The Assistant Engineer,
Division 110, Zone-IX,
Greater Chennai Corporation,
Nungampakkam,
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, 1950, praying to issue a Writ of



Mandamus, directing the 1st Respondent to take up the stay petition filed in statutory appeal under Section 80-A of Tamil Nadu Town and Country Planning Act vide acknowledgement dated 04.05.2021 preferred against notice dated 31.03.2021 bearing Notice No.z-IX/E2/U-24/DN-110/03/2021 issued for Lock and seal and demolition.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mrs.R.Anitha, State Government
Counsel for R1.

Mr.K.Raja Srinivas, Standing Counsel
for R2 to R5.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)
The matter was heard through "Video Conference".

2.The Petitioner has come before this Court seeking a direction to the 1st Respondent to take up the stay petition filed in statutory appeal under Section 80-A of Tamil Nadu Town and Country Planning Act vide acknowledgement dated 04.05.2021 preferred against notice dated 31.03.2021 bearing Notice No.z-IX/E2/U-24/DN-110/03/2021 issued for Lock and seal and demolition.

3.It is seen from the records that the Petitioner is the owner of the property bearing New No.98, Pushpa Nagar Main Road, Nungambakkam, Chennai in Block No.34 and Re Survey No.584/1. The Petitioner after getting approval from the concerned authorities on 24.08.2020, has started putting up construction. When the construction is at ground floor stage, Respondents 4 and 5 issued notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, directing the Petitioner to produce approved plan, for which the Petitioner gave reply on 12.10.2020. However, Locking and Sealing and Demolition Notice has been issued by the Respondents 3 to 5 on 31.03.2021. After filing reply to the said notice on 16.04.2021, the Petitioner preferred an Appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the First Respondent and the same is pending before the First Respondent. In the said Appeal, the Petitioner has filed an interim stay Petition to stay the operation of the impugned Locking & Sealing and Demolition Notice. Since the said Petition has not been disposed, the Petitioner has come before this Court.



4. Heard Mr.R.Thirumoorthy, Learned Counsel for the Petitioner, Mrs.R.Anitha, Learned State Government Counsel for R1 and Mr.K.Raja Srinivas, Learned Standing Counsel for R2 to R5.

5. The above said facts are not disputed. The Petitioner has obtained planning permission on 24.08.2020. However, he is said to have violated the approved plan and said to have put up construction. Therefore, Locking & Sealing and demolition notice has been issued on 31.03.2021 against which the Petitioner has already preferred an Appeal before the First Respondent and in the said Appeal, an interim stay Petition has been taken out by the Petitioner. Since the said Stay Petition has not been disposed, the Petitioner has filed this present Petition.

6. It is practically impossible for the First Respondent to dispose of the Stay Petition separately by passing an order in the interlocutory Application and thereafter, to dispose of the Appeal separately, by passing a final order in the Appeal as he was flooded with many Appeals and Stay Petitions.

7. Therefore, in the interest of justice, the First Respondent is directed to dispose of the Appeal filed by the Petitioner within a period of twelve weeks from the date of receipt of a copy of this order, after giving opportunity to the Petitioner. The Stay Petition filed by the Petitioner in the Appeal before the First Respondent, is hereby allowed and there shall not be any coercive steps taken against the Petitioner till the disposal of the Appeal and the order copy is served upon the Petitioner. It is made clear that this order is passed only to lessen the work of the First Respondent, considering the number of cases pending before the First Respondent.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ay



To

1.The Secretary to Government,
State of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai-600009.

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

3.The Executive Engineer,
Town Planning,
Greater Chennai Corporation,
Zone-IX-Nungampakkam,
Chennai-600034.

4.The Assistant Executive Engineer,
Unit-24, Zone-IX,
Greater Chennai Corporation,
Nungampakkam,
Chennai.

5.The Assistant Engineer,
Division 110, Zone-IX,
Greater Chennai Corporation,
Nungampakkam,
Chennai.

+1CC to Mr.R.Thirumoorthy, Advocate (SR No.30487)
+1CC to Mr.K.Raja Srinivas, Advocate (SR No.30766)
+1CC to the Government Pleader (SR No.30807)

W.P.No.13694 of 2021
and
W.M.P.No.14535 of 2021

GSM (CO)
PR (20/07/2021)