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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.No.15639 of 2021
and
W.M.P.No.16546 of 2021

L.Murugan

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

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

3.The Executive Engineer,
Zone - 06,
Greater Chennai Corporation,
No.5, Anderson Street,
Ayanavaram,
Chennai - 600 023.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus directing the First Respondent to dispose of the appeal filed by the Petitioner on 12.07.2021 challenging the De-occupation notice issued by the third Respondent dated 07.07.2021 vide letter No.06/00058/2021 on merits and in accordance with law within a time frame to be fixed by this Court.

For Petitioner : Mr.C.Munusamy.

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

Mr.K.Raja Srinivas, Standing
Counsel for R2 & R3.



O R D E R

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

The matter has been heard through "Video Conference".

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2. The Petitioner is the lessee in respect of the property bearing Plot No.1, 2 & Shop site, Block No.2, Survey No.T.S.No.18/27, Loco Scheme, Loco Works Road, Agaram, Peravallur, Ayanavaram, Chennai - 600 082, measuring 18 cents from the Perambur Co-operative Building Society Ltd., under lease agreement dated 24.09.2020 to occupy the property and put up construction and do the business.

3. Thereafter, the Petitioner obtained planning permission before the Corporation of Chennai on 30.09.2020 and obtained planning permit on 17.10.2020. However, Third Respondent noted violation in the construction and issued Lock and Seal notice dated 02.06.2021 and subsequently, de-occupation notice dated 07.07.2021. Against the said de-occupation notice dated 07.07.2021, the Petitioner has preferred an Appeal before the First Respondent on 12.07.2021 and the same is pending before the First Respondent. Only to dispose of the said Appeal, the present Writ Petition has been filed.

4. Heard Mr.C.Munusamy, Learned Counsel for the Petitioner, Mrs.R.Anitha, Learned State Government Counsel appearing for the First Respondent and Mr.K.Raja Srinivas, Learned Standing Counsel appearing for the Second and Third Respondents.

5. Taking into consideration of the fact that the Appeal has been filed by the Petitioner on 12.07.2021 against the de-occupation notice dated 07.07.2021, without expressing any opinion on merits, this Court directs the First Respondent to hear the Petitioner and pass orders on merits within a period of six months from the date of receipt of a copy of this order. Till an order is passed in the Appeal and a copy of the order is served upon the Petitioner, no coercive steps shall be taken by the Respondents against the Petitioner.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



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To

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+1 CC to Mr.K.Raja Srinivas, Advocate, Sr.No. 36633.

+1 CC to The Government Pleader, Sr.No. 36577.

W.P.No.15639 of 2021
and
W.M.P.No.16546 of 2021

PL(CO)
LS(26/08/2021)