



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.17420 of 2021
and
W.M.P.No.18484 of 2021

J.Manoj Padmanaban

...Petitioner

Vs

1. The Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Secretariat,
Chennai.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600008.

3. Mr.Sai Siva Kumar

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Declaration, declaring the act of 2nd respondent implementing the impugned order passed in Letter No.EC/S-II/11763/2020 dated 18.06.2021 while the Appeal against the same is pending before the 1st respondent as illegal and arbitrary.

For Petitioner : Mr.Adinarayana Rao.

For Respondents : Mr.P.Balathandayutham, Government Advocate for R1.

Mr. P.S. Ganesh, Standing Counsel for R2.

O R D E R

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

The matter has been heard through "Video Conference".



2.The Petitioner submits that he is the owner of the Flat B-502 situated at 5th floor, Tower B1 Block, The Crest, 142, Velachery main road, Velachery, Chennai and since there were frequent issues of things falling into the balcony area causing threat to life, temporary structures have been put up in the open extended balcony after obtaining permission from the association. However, due to the false complaints raised by the Third Respondent, the Second Respondent inspected the premises and issued locking and sealing and demolition notice dated 18.06.2021 stating that the Petitioner has encroached the entire open terrace area. Aggrieved over the same, the Petitioner filed an Appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the First Respondent and the same is pending. However, the Petitioner submits that during the pendency of the said Appeal, since the Second Respondent is trying to implement the impugned order, the Petitioner has come before this Court.

3.Heard Mr.Adinarayana Rao, Learned Counsel for the Petitioner and Mr.P.Balathandayutham, Learned Government Advocate for the First Respondent and Mr.P.S.Ganesh, Learned Standing Counsel for the Second Respondent.

4.Taking into consideration of the above facts and circumstances, this Court directs the First Respondent to dispose of the Appeal filed by the Petitioner within a period of six months from the date of receipt of a copy of this order after giving opportunity to the Petitioner. Till the Appeal is disposed and the copy of the order is served on the Petitioner, no coercive steps shall be taken against the Petitioner by the official Respondents.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ay

To

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



2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600008.

+1cc to the Government Pleader, S.R.No.42327

W.P.No.17420 of 2021
and
W.M.P.No.18484 of 2021

PMK[co]
NSK 16/09/2021