



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.19276 of 2021
and
WMP.No.20582 of 2021

R.Roopesh Lakshman

.. Petitioner

Versus

1. The Secretary to Government,
Tamilnadu Housing and Urban Development,
Fort St. George, Chennai 600 009.
2. Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Executive Engineer,
Zone VIII, Greater Chennai Corporation,
Shenoy Nagar, Chennai 600 030.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, forbearing the respondents from initiating any action in pursuance of the notice issued by the second respondent dated 01.09.2021 in Letter No.EC/NI/1251/2021 for the property situated at Plot No.73-B, Central Street, Kilpauk Garden Colony, Kilpauk, Chennai 600 010 comprised in R.S.No.76/1 (par) 74, 75 (part) in T.S.No.74/30, Block No.6 of Egmore Village within the limits of Greater Chennai Corporation measuring an extent of 3190 Sq.ft. pending disposal of the statutory appeal made under the special provision u/s. 80A of the Tamil Nadu Town and Country Planning Act, 1971.

For petitioner : M/s.D.Aruna



WEB COPY

For respondents

for R1 : Mr.T.N.C.Koushick, Govt. Advocate
for R2 : Mr.P.S.Ganesan, Standing Counsel
for R3 : Mr.K.Raja Shrinivas,
Senior Standing Counsel

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. The petitioner prays for issuance of a Writ of Mandamus forbearing the respondents from initiating action in pursuance of the notice dated 01.09.2021.

3. The learned counsel appearing for the petitioner Mrs.D.Aruna, would state that it would suffice, if a direction is issued to the first respondent to dispose of the appeal preferred by the petitioner dated 30.06.2021 in a time frame.

4. A perusal of the typed set of paper shows that the petitioner has preferred an appeal against the order of lock and seal notice before the first respondent under Section 80-A of the Town and Country Planning Act and he has also enclosed an acknowledgment card in this regard.

5. Heard Mrs.D.Aruna, learned counsel for the petitioner, Mr.T.N.C.Koushick, learned Government Counsel, appearing for the first respondent and Mr.P.S.Ganesan, learned Standing Counsel appearing for the second respondent and Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the third respondent and perused the materials available on record.

6. In the light of the submissions made by the learned counsel for the petitioner, this Court without going into the merits of the matter, directs the first respondent to dispose of the appeal preferred by the petitioner dated 30.06.2021 purely on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order after affording opportunity of personal hearing to the petitioner.

7. With the above directions, the Writ Petition is disposed



of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government,
Tamilnadu Housing and Urban Development,
Fort St. George, Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Executive Engineer,
Zone VIII, Greater Chennai Corporation,
Shenoy Nagar, Chennai 600 030.

+1cc to M/s.D.Aruna, Advocate, S.R.No.46723

+1cc to M/s.K.Rajashrinivasan, Advocate, S.R.No.46979

+1cc to the Government Pleader, S.R.No.47183

W.P. No.19276 of 2021

KSM(CO)
SU(08/10/2021)