



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

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

W.P.No.21317 of 2021  
and

W.M.P.Nos.22553 and 22555 of 2021

1.P.Anandhaselvam  
2.T.Hariharan  
3.E.Sathish  
4.Y.Nagaraj  
5.J.Venkatesh  
6.Vinod

...Petitioners

Vs.

1.The Secretary to the Government,  
Housing & Urban Development Department,  
Fort St. George, Chennai - 600 009.  
  
2.The Commissioner,  
Greater Chennai Corporation,  
Ripon Building,  
Chennai - 600 001.  
  
3.The Executive Engineer,  
Zone - XI,  
The Greater Chennai Corporation,  
Valasaravakkam,  
Chennai - 600 087.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to consider and pass orders in the Appeal Petition filed under the Town and Country Planning Act dated 09.09.2021 filed by the petitioners challenging the De-occupation notice bearing reference Letter No:11/00001/2021 dated 17.05.2021 issued by the third respondent herein under Section 57 read with Section 85 of Town and Country Planning Act, 1971 pertaining to the subject property situated at G.R.Flats, No.44 & 45, Anbu Nagar 1<sup>st</sup> street, Nerkundram, Chennai - 600 107 and consequently forbear all further



proceedings of the respondents from initiating any coercive action of Locking and Sealing for the subject property, pending disposal of the petitioner's Appeal Petition before the first respondent.

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For petitioner : Mr.C.Anandha Ramani

For respondents : Mrs.Akila Rajendran  
Govt. Counsel (for R1)  
Mr.K.Raja Shrinivas  
Standing Counsel (for R2 and R3)

#### ORDER

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

Mrs.Akila Rajendran learned Government Counsel takes notice for the first respondent and Mr.K.Raja Shrinivas, learned Standing Counsel takes notice for the respondents 2 and 3. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to consider and pass orders in the petitioners' Appeal Petition filed under the Town and Country Planning Act (herein after referred as Act), dated 09.09.2021 challenging the De-occupation notice dated 17.05.2021 issued by the third respondent under Section 57 read with Section 85 of the Act pertaining to the subject property situated at G.R.Flats, No.44 & 45, Anbu Nagar 1<sup>st</sup> street, Nerkundram, Chennai - 600 107 and consequently, forbear all further proceedings of the respondents from initiating any coercive action of Locking and Sealing for the subject property, pending disposal of the petitioners' Appeal Petition before the first respondent.

3.The learned counsel for the petitioners Mr.C.Anandha Ramani would state that aggrieved over the de-occupation notice issued by the respondents 2 and 3, the petitioners preferred an appeal to the first respondent on 09.09.2021 and it would suffice, if a suitable direction is issued to the first respondent to consider and pass orders on the appeal petition preferred by the petitioners within a time frame.

4.The learned Government Counsel appearing for the first respondent Mrs.Akila Rajendran would state that the first respondent is ready to pass orders on the appeal petition preferred by the petitioners.



5. In the light of the above submission of the learned counsels and also considering the nature of prayer sought for in the writ petition, without expressing any opinion on the merits of the matter, this Court directs the first respondent to dispose of the appeal preferred by the petitioner, dated 09.09.2021, on merits and in accordance with law, after affording opportunity of personal hearing to the petitioners, within a period of six months from the date of receipt of a copy of this order. Till then, the respondents shall not precipitate the matter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Secretary to the Government,  
Housing & Urban Development Department,  
Fort St. George, Chennai - 600 009.
2. The Commissioner,  
Greater Chennai Corporation,  
Ripon Building,  
Chennai - 600 001.
3. The Executive Engineer,  
Zone - XI,  
The Greater Chennai Corporation,  
Valasaravakkam,  
Chennai - 600 087.

+1cc to M/s.C.Gowtham Raj, Advocate Sr.51724  
+1cc to M/s.K.Rajasrinivas, Advocate Sr.51723  
+1cc to the Government Pleader Sr.51982

W.P.No.21317 of 2021

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srg 17/11/2021