



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.11.2021

CORAM:

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

W.P.No.24991 of 2021
and
W.M.P.No.26311 of 2021

T.Karthik

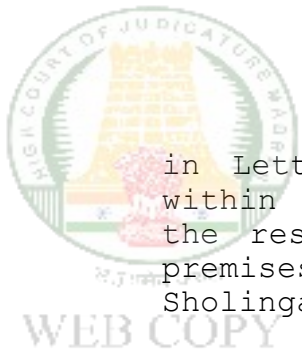
...Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by Secretary to Government,
Housing and Urban Development,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
- 3.The Executive Engineer,
Zone 15, Sholinganallur,
Chennai - 600 119.
- 4.The Assistant Executive Engineer,
Unit 44, Zone 15,
Sholinganallur,
Chennai - 600 119.
- 5.The Assistant Engineer,
Division 198, Zone 15,
Sholinganallur,
Chennai - 600 119.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to dispose petitioner's appeal dated 21.09.2021 filed against the De-Occupation Notice



in Letter No.15/00022/2021 issued by the respondents 3 to 5 within time stipulated by this Court, consequently, forbearing the respondents from anyway dispossessing petitioner from the premises situated at D.No.155, Kalaignar Karunanidhi Salai, Sholinganallur, Chennai - 600 119.

For petitioner : Mr.S.Gowsik Sundar
For respondents : Mr.L.S.M.Hasan Fizal
Addl. Govt. Pleader (for R1)
Mr.K.Raja Shirinivas
Senior Standing Counsel (for R2 to R5)

ORDER

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

Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader takes notice for the first respondent and Mr.K.Raja Shirivas, learned Senior Standing Counsel takes notice for the respondents 2 to 5. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.It appears that in pursuance of the order passed in W.P.No.19454 of 2021, the petitioner has preferred Special Revision/Appeal under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1972 before the first respondent on 21.09.2021. This writ petition has been filed seeking a direction to the first respondent to dispose of the appeal.

3.The learned Additional Government Pleader appearing for the first respondent Mr.L.S.M.Hasan Fizal would state that the first respondent is ready to dispose of appeal in accordance with law.

4.We have heard Mr.S.Gowsik Sundar, learned counsel for the petitioner and Mr.K.Raja Shirinivas, learned Senior Standing Counsel appearing for the Greater Chennai Corporation.

5.In the light of the prayer sought for in this writ petition and the submission of the learned counsels, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to dispose of the appeal preferred by the petitioner, dated 21.09.2021, on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner. Till then, the respondents shall not take any coercive action.



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

WEB COPY

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

skn
To

1. The Secretary to Government,
Housing and Urban Development,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
3. The Executive Engineer,
Zone 15, Sholinganallur,
Chennai - 600 119.
4. The Assistant Executive Engineer,
Unit 44, Zone 15,
Sholinganallur,
Chennai - 600 119.
5. The Assistant Engineer,
Division 198, Zone 15,
Sholinganallur,
Chennai - 600 119.

+1 cc to Mr.S.Gowsik Sundar, Advocate Sr.NO. 60258
+1 cc to Government Pleader Sr.NO. 60631

W.P.No.24991 of 2021
and
W.M.P.No.26311 of 2021

ksm(CO)
A.SK(06.12.2021)