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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

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

W.P.NO.26672 OF 2021

1. Chakkaravarthy Daniel

2. Sulochana C Daniel

3. Gladys Rosette C Daniel

... Petitioners

.Vs.

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Member Secretary cum Chairman,
Chennai Metropolitan Development Authority (CMDA),
Talamuthu Natarajan Building,
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioners under Section 80A of the Tamil Nadu Town and Country Planning Act 1971, on 10.11.2021 within the time frame.

For petitioners : Ms.Gladys Daniel
For Ms.V.Revathy

For respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader
For R1

Mrs.C.Sumathy Sreekanth
Standing Counsel for R2



ORDER

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

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Heard, Ms.Gladys Daniel, learned counsel for the petitioners; Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the 1st respondent and Mrs.C.Sumathy Sreekanth, learned Standing Counsel appearing for the 2nd respondent.

2. This writ petition is filed, seeking direction to the 1st respondent to dispose of the appeal dated 10.11.2021 preferred by the petitioners under Section 80A of the Tamil Nadu Town and Country Planning Act 1971(herein after referred to 'The act'), within the time frame.

3. It appears that as against the notice issued under Section 56 and 57 read with Section 85 of the act, the petitioners have filed an appeal before the 1st respondent on 10.11.2021.

4. It is the submission of the learned counsel for the petitioners that the petitioners are senior citizens and hence the appeal preferred by the petitioners can be disposed of, forthwith.

5. Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the 1st respondent, on instructions would state that the appeal of the petitioners is pending for consideration before the 1st respondent, and the 1st respondent is ready to pass orders on the appeal.

6. In the light of the submissions of the learned counsel on either side, this Court without expressing any opinion on the merits of the matter, directs the 1st respondent to pass orders on the appeal of the petitioners dated 10.11.2021, 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 petitioners, on merits and in accordance with law.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Member Secretary cum Chairman,
Chennai Metropolitan Development Authority (CMDA),
Talamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1cc to M/s.V.Revathy, Advocate, S.R.No.66929

W.P.No.26672 of 2021

KSM(CO)
PBS/24/01/2022