



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.27931 of 2021
and
WMP.No.29494 of 2021

V.Gopinath

Vs

..Petitioner

1. The Commissioner
Greater Chennai Corporation
Rippon Buildings
Park Town
Chennai-600 003
2. The Executive Engineer
Zone-IV Greater Chennai Corporation
Tondaiyarpettai
No.821/266, Thiruvottriyur Nedunchalai
Chennai-600 081
3. The Assistant Executive Engineer
Zone IV, Unit-10, Greater Chennai Corporation
Tondaiyarpettai
No.821/266, Thiruvottriyur Nedunchalai
Chennai-600 081
4. The Assistant Engineer
Zone IV, Division-039
Greater Chennai Corporation
Tondaiyarpettai
No.821/266, Thiruvottriyur Nedunchalai
Chennai-600 081
5. The Secretary
Housing and Urban Development
Secretariat, Fort St.George
Chennai-600 009

..Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 5th respondent to expedite speedy disposal of the appeal filed by the applicant within a stipulated period and as well stop all further proceedings of the orders passed by the respondents 2 to 4 Zone -IV vide letter Ref.No.04/00106/2021 dated 27.11.2021 until disposal of the appeal pending on the file of the Secretary, Housing Urban Development.

For Petitioner : Mr.R.Sathyamurthy

For Respondents : Mr.K.Raja Srinivas, for R1 to R4
Mr.M.Alagu Goutham,
Govt. Advocate for R5.

ORDER

[Order of the Court was made by R. MAHADEVAN, J.]

The petitioner has come forward with this writ petition to direct the 5th respondent to dispose of the appeal filed by him and till such time, to stop all further proceedings pursuant to the orders passed by the respondents 2 to 4 vide letter No.04/00106/2021 dated 27.11.2021.

2. According to the petitioner, his wife viz., Sasikala is the owner of the property in Old No.65, New No.68/67, Washr Varadappa Street, New Washermenpet, Chennai - 600 081. In respect of the said property, she applied for planning permission. After making inspection on 07.08.2021, the respondents 2 to 4 issued a show cause notice, dated 09.09.2021, which was followed by lock and seal and demolition notice dated 27.11.2021. Feeling aggrieved, the petitioner preferred an appeal under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the fifth respondent and the same is pending without any consideration. Apprehending coercive action, the petitioner is before this court with the present writ petition for the aforesaid relief.

3. Heard both sides and perused the documents enclosed in the typed set of papers.

4. Considering the limited relief sought herein, this court, without going into the merits of the case, directs the fifth respondent to take up the appeal filed by the petitioner under Section 80-A of Tamil Nadu Town and Country Planning Act, consider the same and pass appropriate orders, on merits and in accordance with law, after giving an opportunity of hearing to



the petitioner within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents shall maintain status quo as on date.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

nvsri

To

1. The Commissioner, Greater Chennai Corporation
Rippon Buildings
Park Town, Chennai-600 003.
2. The Executive Engineer
Zone-IV Greater Chennai Corporation
Tondaiyarpettai
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4. The Assistant Engineer
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Greater Chennai Corporation
Tondaiyarpettai
No.821/266, Thiruvottriyur Nedunchalai
Chennai-600 081.
5. The Secretary
Housing and Urban Development
Secretariat, Fort St. George
Chennai-600 009.

+2ccs to Mr.R.Sathyamurthy, Advocate, S.R.No.69310
+1cc to the Government Pleader, S.R.No.69900

W.P.No.27931 of 2021

RSV[co]
NSK 28/01/2022