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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.13603 of 2022
and
W.M.P.No.12821 of 2022

S.Stella

...Petitioner

Vs.

1.The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.M/s.Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
"Thalamuthu Natarajan Building",
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

4.The Zonal Executive Engineer,
Division - 187, Unit - 42, Zone - XIV,
No.6/64, Puzhuthivakkam Main Road,
Chennai - 600 091.

5.The Commissioner,
St.Thomas Mount Panchayat Union,
Chittlapakkam,
Chennai - 600 064.

6.V.Rajkumar

7.Gayathri Manoharan

...Respondents



Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the first respondent to consider the appeal dated 16.05.2022, filed by the petitioner in Letter No.14/0002/2022, dated 04.05.2022 and as a consequential relief forbearing the fourth respondent or any one on their behalf from initiating any coercive action of Lock & Seal and Demolition Notice, dated 04.05.2022, with regard to the petitioner property at No.1/67, 2nd Cross, Easwaran Kovil Street, Madipakkam, Chennai - 600 091.

For Petitioner : Mr.T.Ramachandran
For Respondents 1 & 5 : Mr.P.Ganesan
Government Advocate
For Respondent 2 : Mr.R.Shivakumar
For Respondents 3 and 4 : Mr.P.Manoj Kumar

O R D E R

(Order of the Court was made by M.S.RAMESH, J.)

The petitioner herein has preferred an appeal under Section 80-A of the Town and Country Planning Act, 1971, against the proceedings of the respondents 3 & 4, dated 04.05.2022 and simultaneously, the petitioner herein has also filed the present writ petition challenging the very same order. When an appeal is pending before the appellate authority, it would not be appropriate to parallelly adjudicate the present writ petition. It is the apprehension of the petitioner that since she has already filed an application before the Appellate Authority, seeking for stay of the proceedings, which has not been taken up for hearing, the respondents may take coercive action in the meantime. This Court is of the view that if the appellate authority is directed to dispose of the stay application within a stipulated time, the petitioner's apprehension could be redressed and the ends of justice can be secured.

2. In the light of the above observations, the writ petition is disposed of with a direction to the first respondent herein to dispose of the stay application filed by the petitioner along with the appeal filed under Section 80-A of the Town and Country Planning Act, within a period of three months from the date of receipt of a copy of this order. In the meantime, there shall be an order of interim stay of all further proceedings pursuant to the proceedings of the respondents herein in Letter



No.14/0002/2022, dated 04.05.2022, till the disposal of the stay application. Consequently, the connected miscellaneous petition is closed. No costs.

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Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

kk/drm

To

- 1.The Principal Secretary to Government,
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Chennai - 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
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Chennai - 600 091.
- 5.The Commissioner,
St.Thomas Mount Panchayat Union,
Chittlapakkam, Chennai - 600 064.

+2ccs to Mr.P.Manoj Kumar, Advocate Sr.No.32091

+1cc to Mr.T.Ramachandran, Advocate Sr.No.32050

W.P.No.13603 of 2022 and
W.M.P.No.12821 of 2022

GPL(CO)
RVM(13/06/2022)