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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.13580 OF 2022
AND
W.M.P.NO.12789 OF 2022

Sri Santana Srinivasa Perumal
Public Charitable Trust,
Rep. by its Trustee V.Venkateswaran,
13, TNHB, S.S.Perumal Kovil Street,
Vellalar Street, Mogappair (West),
Chennai - 600 037.

.. Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
3. The Executive Engineer,
Zone -VII, Greater Chennai Corporation,
Zonal Office - 7,
Ambattur, Chennai.
4. The Assistant Engineer,
Division - 92,
Zone - VII, Greater Chennai Corporation,
Zonal Office - 7, Ambattur,
Chennai.

.. Respondents

Prayer:

Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondents from taking any action pursuant to the Notice No.Zone-7/Division 92/243/2022, dated 09.04.2022 and de-



occupation notice in Notice No.Zone-7/Division 92/243/2022, dated 09.05.2022 of the respondents 2 to 4 pending appeal filed by the petitioner before the 1st respondent herein on 10.05.2022.

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For Petitioner : Mr.Bharanidharan
for Ms.AL.Ganthimathi

For Respondent 1 : Mr.T.Chezhian
Additional Government Pleader

For Respondents 2 to 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 2 to 4, dated 09.04.2022 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 they have already filed an appeal seeking for stay of the proceedings, which has not been taken up for hearing, the respondents may take coercive action. This Court is of the view that if the appellate authority is directed to dispose of the stay application within a stipulated time, it would protect the petitioner 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 Notice No.Zone7/Division 92/243/2022, dated 09.04.2022. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Vacation Officer

//True Copy//

kk/drm

Sub Assistant Registrar



To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
3. The Executive Engineer,
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Zonal Office - 7,
Ambattur, Chennai.
4. The Assistant Engineer,
Division - 92,
Zone - VII, Greater Chennai Corporation,
Zonal Office - 7, Ambattur,
Chennai.

+1cc to Ms.AL.Ganthimathi, Advocate, S.R.No.32009

+2ccs to Mr.P.Manoj Kumar, Advocate, S.R.No.32092

W.P.No.13580 of 2022 and
W.M.P.No.12789 of 2022

GPL (CO)
PM/14/06/2022