



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR. JUSTICE SUNDER MOHAN

W.P.No.15092 of 2022
and
W.M.P.No.14305 of 2022

Veda Padmapriya

..Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai - 9.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Park Town, Chennai - 600 003.
3. The Assistant Engineer,
Division No.136, Unit-30, Zone-10,
Greater Chennai Corporation,
12, Masilamani Street, T.Nagar,
Chennai - 600 017.
4. The Assistant Executive Engineer,
Unit-30, Greater Chennai Corporation,
No.64, N.S.K.Salai, Kodambakkam,
Chennai - 600 024.
5. The Executive Engineer,
Zone-10, Greater Chennai Corporation,
No.64, N.S.K.Salai, Kodambakkam,
Chennai - 600 024.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified mandamus calling for the records of the respondents 3 to 5 herein in impugned letter No.10/00029/2022 dated 28.05.2022 and to quash the same and to direct the 1st respondent to consider the stay petition filed along with the statutory appeal petition dated



16.04.2022 as against the letter no.10/000271/2022 dated 31.03.2022.

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For Petitioner : Mr.M.S.Krishnan, Senior Counsel
for Mr.M.Balasubramanian

For Respondent : Mr.K.Karthik Jaganath,
Government Advocate (TNHB - R1)

Mr.Raja Srinivas (R2 to R5)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of certiorarified mandamus to call for the records of the respondents 3 to 5 pertaining to the order dated 28.05.2022 and to quash the same and to direct the 1st respondent to consider the stay petition filed along with the statutory appeal petition dated 16.04.2022 as against the order dated 31.03.2022.

2.It is not in dispute that the petitioner has filed an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act before the 1st respondent challenging the lock and seal notice dated 31.03.2022 on 16.04.2022.

3.Mr.M.S.Krishnan, learned senior counsel appearing for the appellant submitted that during the pendency of the appeal, the respondents 3 to 5 issued a de-occupation notice dated 28.05.2022. Further, the learned senior counsel submitted that since the petitioner's stay petition filed in Section 80A appeal has not yet been disposed of, the petitioner is put to hardship and prejudice.

4.Mr.K.Karthik Jaganath, learned Government Advocate taking notice for the 1st respondent submitted that though the petitioner has quoted the wrong provision of law in the grounds of the appeal filed before the 1st respondent, the same would be construed as an appeal filed under Section 80A and disposed of in accordance with law. Further, the learned Government Advocate submitted that the stay petition filed by the petitioner along with the appeal would be disposed of within a period of two weeks.

5.Mr.Raja Srinivas, learned counsel taking notice for the respondents 2 to 5 submitted that the 1st respondent has to dispose of the stay petition and the appeal filed under Section 80A.



6.Mr.M.S.Krishnan, learned senior counsel appearing for the petitioner submitted that it would be suffice to direct the 1st respondent to dispose of the stay petition filed in the appeal within a time frame.

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7.Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the learned senior counsel for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the 1st respondent to dispose of the stay petition filed by the petitioner in the appeal filed under Section 80 A on 16.04.2022, on merits and in accordance with law, within a period of two weeks from today. Further, we direct the 1st respondent to dispose of the appeal within a period of three months from the date of receipt of a copy of this order.

8.We direct the respondents to maintain status quo for a period of two weeks.

9.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
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Housing and Urban Development Department,
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2. The Commissioner,
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WEB COPY

5. The Executive Engineer,
Zone-10, Greater Chennai Corporation,
No.64, N.S.K.Salai, Kodambakkam,
Chennai - 600 024.

+1cc to Mr.M.Balasubramanian, Advocate, S.R.No.36298

W.P.No.15092 of 2022
and
W.M.P.No.14305 of 2022

KV(CO)
RGA(17/06/2022)