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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2023

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

WP No.14705 of 2023
and WMP.No.14208 of 2023

J.Loganathan ... Petitioner

-vs-

1. The State of Tamil Nadu,
   Rep. by its Secretary,
   Department of Housing and Urban Development,
   Fort St. George, Chennai-09.

2. The Commissioner,
   Greater Chennai Corporation,
   Rippon Building, Chennai-3.

3. The Assistant Engineer,
   Greater Chennai Corporation,
   Division 71, Perambur, Chennai.

4. The Assistant Executive Engineer,
   Greater Chennai Corporation,
   Unit 17A, Perambur, Chennai.

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5. The Executive Engineer,
Greater Chennai Corporation,
Zone 06, Perambur, Chennai-11.

6. Manimegalai ... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records relating to the impugned order passed in the Letter No.06/00088/2023, order dated 18.04.2023 passed by the 3rd to 5th respondents and quash the same.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.V.Nanmaran
Addl. Govt. Pleader
for R-1

: Mr.E.C.Ramesh
Stdg. Counsel for RR 2 to 5

* * * * *

ORDER

(Made by DR.ANITA SUMANTH, J.)

The petitioner has challenged an order dated 18.04.2023 calling upon him to deoccupy the premises at 61/23, Vadivel Street, Perambur, Chennai 600 011 (premises in question).

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2. Mr.V.Nanmaran, learned Additional Government Pleader, accepts notice for respondent No.1 and Mr.E.C.Ramesh, learned standing counsel, accepts notice for officials of the Greater Chennai Corporation, arrayed as respondents 2 to 5.

3. In light of the order that is proposed to be passed in the paragraphs to follow, no notice is thought to be necessary at this juncture to respondent No.5, Manimegalai, W/o.Manikandan.

4. The learned counsel for the official respondents has received instructions to enable the disposal of the writ petition at this juncture.

5. It is the case of the petitioner that pursuant to a lock and seal notice and consequent proceedings initiated in December 2022, an appeal has been filed before first respondent being the Secretary, Department of Housing and Urban Development, as early as on 23.01.2023. Even during the pendency of the appeal, the impugned notice has been issued. Per se, there is nothing untoward in the impugned order, which has been addressed to the tenant of the

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petitioner calling for deoccupation, since the petitioner has admittedly no interim protection in his favour. Be that as it may, the provisions of Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 also provide a composite scheme for seeking and obtaining interim protection pending exercise of appeal powers under Section 80-A(1) of the Act.

6. In such circumstances, the petitioner is permitted to approach the Appellate Authority by way of stay application. If such stay application is filed within a period of two weeks from today, the first respondent will consider the same after hearing the petitioner and the sixth respondent as well as other private parties who are stated to be arrayed as respondents in the statutory appeal and decide the stay application within a period of three weeks from the date of personal hearing.

7. The entirety of the exercise shall not exceed eight weeks from today. For such period as aforesaid, that is, for a period of eight weeks from today or till the disposal of the stay application to be filed within two weeks from today, whichever is earlier, the petitioner stands

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protected. It is made clear that if the stay application is not filed within two weeks from today, the benefit under this order stands withdrawn.

This writ petition stands disposed as above. No costs. Consequently, connected miscellaneous petition is closed.

(A.S.M.,J.) (M.N.K., J.)
10.05.2023

Index : Yes/No
Neutral Citation : Yes

Note: Issue order copy by 11.05.2023 (tomorrow).

sra

To

1. The Secretary to Govt. of Tamil Nadu,
   Department of Housing and Urban Development,
   Fort St. George, Chennai-09.

2. The Commissioner,
   Greater Chennai Corporation,
   Rippon Building, Chennai-3.

3. The Assistant Engineer,
   Greater Chennai Corporation,
   Division 71, Perambur, Chennai.

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DR.ANITA SUMANTH, J.
and
M.NIRMAL KUMAR, J.

(sra)

4. The Assistant Executive Engineer,
   Greater Chennai Corporation,
   Unit 17A, Perambur, Chennai.

5. The Executive Engineer,
   Greater Chennai Corporation,
   Zone 06, Perambur, Chennai-11.

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