



WEB COPY

W.P.No.14954 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.05.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**
and
THE HONOURABLE **MR. JUSTICE M.NIRMAL KUMAR**

W.P.No.14954 of 2023
and WMP.No.14541 of 2023

R.P.S.Mahendhiran

... Petitioner

Vs

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600009.

2. The President/Executive Officer,
Kakkalur Panchayat,
Tiruvallur Panchayat Union.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent/Appellate Authority to dispose off the stay petition dated 02.05.2023 filed under section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971, within the time to be prescribed by this Hon'ble Court.

For Petitioner : Mr.G.Ashoka Pattey for
Pass Associates

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader



ORDER

WEB COPY (Order of the Court was made by Dr.ANITA SUMANTH,J.)

Mrs.S.Mythreye Chandru, learned Special Government Pleader accepts notice for both the respondents and is armed with necessary instructions to enable final disposal of this petition even at this juncture.

2. The short prayer of the petitioner is for a mandamus directing the 1st respondent/The Secretary to Government, Housing and Urban Development Department, who is the appellate authority in terms of the Tamil Nadu Town and Country Planning Act, 1971, (in short “the Act”), to dispose the stay petition filed on 02.05.2023 under Section 80-A(3) of the Act.

3. Since this Bench, in principle, is reluctant to interfere with the roster of an appellate authority, since it is the authority that would be best suited to decide the schedule of hearings, the learned Special Government Pleader was requested to obtain written instructions on the reasonable time frame that may be fixed for disposal of the stay petition and the matter was passed over to the post-lunch session.

4. A letter dated 10.05.2023 has been filed setting out instructions to the effect that, the appeal shall be disposed within 90 days in terms of Section 80-A of the Act. This letter does not address the specific query that has been



put to the learned Special Government Pleader and appears to suggest that the respondents have no objection for the interim protection to be extended for the entire duration of 90 days, pending appeal.

5. Since the petitioner's prayer is itself specific only to the disposal of the stay petition and bearing in mind the submission of the learned Special Government Pleader to the effect that the stay petition would be disposed within four weeks, mandamus is issued to 1st respondent to dispose the stay petition dated 02.05.2023, after hearing the petitioner within a period of four weeks from the date of receipt of a copy of this order. Status quo shall be maintained till disposal of stay petition or for a period of four weeks beginning today, whichever is earlier.

6. This Writ Petition stands disposed in the above terms. No costs. Connected miscellaneous petition stands closed.

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

Index: Yes/No
Speaking/Non-Speaking
Neutral Citation: Yes/No
gva/impl



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Dr.ANITA SUMANTH,J
AND
M.NIRMAL KUMAR,J.

gya/impl

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600009.
2. The President/Executive Officer,
Kakkalur Panchayat,
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