



WP No.16314 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.05.2023

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

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K.Shanthi

..Petitioner

Versus

- 1.The Director,
Directorate Town and Country Planning,
Koyembedu,
Chennai-600 107.
- 2.The Appellate Authority,
(Under the Town and Country Planning Act, 1971)
Zonal Officer/Executive Engineer,
Greater Chennai Corporation,
Zone-VI, Unit-16, Division-70,
No.158, Strahans Road, Pattalam,
Chennai- 600 012.
- 3.The Junior Engineer,
Greater Chennai Corporation,
Zone-VI, Unit-16, Division-70,
Chennai.
- 4.The Assistant Engineer,
Greater Chennai Corporation,
Zone-VI, Unit-16, Division-70,
Chennai
5. The Secretary,
Government of Tamil Nadu,



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Department of Housing and Urban Development
Fort St.George, Chennai

..Respondents

(Respondent No.5 is suo moto impleaded by
order dated 25.05.2023 by B.P.J and V.L.N.J.)

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the second respondent to dispose of the petitioner's appeal dated 30.03.2023 in a time bound manner and further to direct the respondents 2 to 4 to not take any action based on the notice dated 13.03.2023 till the pending disposal of his appeal dated 30.03.2023 on the file of the second respondent.

Appearances :

Mr.V.Anthony Elangovan Raj, for the petitioner

Mr.S.Prabhakaran, Government Advocate, for respondents 1 and 5

Mr.D.B.R.Prabhu, Standing Counsel, for respondents 2 to 4

ORDER

(Made by V. LAKSHMINARAYANAN, J.)

The Secretary, Government of Tamil Nadu, Department of Housing and Urban Development, is *suo motu* impleaded as the fifth respondent.

2. Mr.S.Prahbakaran, learned Government Advocate, takes notice for the newly impleaded fifth respondent.

3. The petitioner, against the order of de-occupation of the building dated 13.03.2023, has filed an appeal before the Zonal Officer, Greater Chennai Corporation, who is the second respondent herein. However, the second respondent is not the statutory authority for hearing appeals under Section 80-A



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of the Tamil Nadu Town and Country Planning Act, 1971, but it is only the newly impleaded fifth respondent.

4. The second respondent is, therefore, directed to transfer the file relating to the appeal filed by the petitioner, to the fifth respondent, within a period of four weeks from the date of receipt of a copy of this order. The fifth respondent shall dispose of the said appeal, within a period of twelve weeks from the date of receipt of appeal papers from the second respondent. Till such time, the parties are directed to maintain status quo.

5. With the above direction, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.15698 of 2023, is closed.

(B.P., J.) (V.L.N., J.)
25.05.2023

Index : Yes/No
Neutral Citation : Yes/No
tar/mrn

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B.PUGALENDHI, J.

and

V. LAKSHMINARAYANAN, J.

(mrn)

- 3.The Junior Engineer,
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- 4.The Assistant Engineer,
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