



W.P.No.18114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2023

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition No.18114 of 2023
and
W.M.P.No.17314 of 2023

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A.Vasantha

.. Petitioner

Vs.

1. The Govt. of Tamil Nadu,
Rep. by The Secretary,
Department of Housing and Urban Development,
Fort St.George, Chennai-600 009.

2. Greater Chennai Corporation - Zone.VI,
Rep. by Executive Engineer,
No.158, Strahans Road, Pattalam,
Chennai-600 012.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to dispose of the appeal filed by the petitioner, dated 01.06.2023 within a time frame that may be fixed by this Court.

For petitioner : Mr.K.C.Karl Marx

For respondents: Mr.E.Vijay Anand, Addl.G.P. for R-1

Mr.D.B.R.Prabhu, Standing Counsel for R-2

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ORDER

(The Order of the Court was made by D.Krishnakumar, J)

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The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to dispose of the appeal filed by the petitioner, dated 01.06.2023, within a time frame that may be fixed by this Court.

2. It is stated by the learned counsel for the petitioner that as against the lock and seal and demolition notice issued by the second respondent under Sections 56(2-A) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, the petitioner has filed statutory appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act. It is also stated that along with the said appeal, the petitioner has also filed an application to condone the delay of 46 days in filing the appeal, and the said appeal/application are still pending with the first respondent. Hence, the petitioner has filed the above Writ Petition.

3. Learned Additional Government Pleader appearing for the first respondent, on instructions, submitted that the said appeal is pending before the Government and therefore, as per the provisions of the said Act, the said appeal will be disposed of, within the time stipulated under the Act.

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4. Without expressing any opinion on the merits of the matter and considering the limited scope of the prayer made in the Writ Petition, we direct the first respondent to consider the petitioner's appeal petition, dated 01.06.2023, if it is otherwise in order and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the petitioner. Further, it is stated that the stay petition has also been filed along with the appeal. The said stay petition shall also be considered by the first respondent at the earliest.

5. With the above observations/directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

(D.K.K., J) (P.D.B., J)
20.06.2023

Speaking Order: Yes/no
Neutral Citation: Yes/no

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and

P.DHANABAL, J

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