

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.1058 of 2015 and M.P. No.1 of 2015

1 M. Mani
2 M. Arul Mani
3 M. Elangovan
4 M. Nedunchezian

Petitioners

Vs.

1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003

2 The Executive Engineer
RJC (South), Corporation of Chennai
O/o the Regional Joint Commissioner (South)
Enforcement Cell
Adyar, Chennai 600 020

3 The Assistant Engineer
Division No.175, Zone - 13
Corporation of Chennai
Ripon Building, Chennai 600 003

4 The Assistant Executive Engineer
Unit 40, Zone 13
Corporation of Chennai
Ripon Building, Chennai 600 003

5 The Secretary
Housing and Urban Development Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 1 to 4 from giving effect to the impugned notice no.10443 dated 10.12.2014 either by sealing the premises bearing New No.150, Old No.60,

situated at Dr. Muthulakshmi Salai, Adyar, Chennai 600 020 or demolition or otherwise till the disposal of revision filed by the petitioners and pending before the 5th respondent.

For petitioners Mr. P. Wilson, Sr. Counsel
 for Mr. Richardson Wilson

For RR 1-4 Mr. K. Soundararajan

For R5 Mr. N. Sakthivel, Govt. Advocate

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal at the admission stage itself.

2 The second respondent has issued de-occupation notice dated 10.12.2014 against the petitioners under Section 56-2(A) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 From a perusal of the records, it is seen that the petitioners have already filed a revision before the fifth respondent on 22.12.2014 against the aforesaid notice dated 10.12.2014, which is pending consideration. It is further seen that along with the said revision, the petitioners have also preferred an application for interim stay in view of the provisions of Section 80-A(3) of the Act.

4 Therefore, without going into the merits of the case, we are of the considered view that if a revision is filed along with the application for interim relief, the officers are well advised to consider the application for interim relief to avoid further complications at the earliest, preferably within a period of two weeks.

5 Accordingly, we direct the fifth respondent to consider the petitioners' application for interim relief as early as possible, preferably within a period of two weeks from today and also to consider their revision within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. There shall be an order of status quo as on today for a period of two weeks.

6 With the above directions, the writ petition is disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Commissioner
Corporation of Chennai
Ripon Building, Chennai 600 003
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RJC (South), Corporation of Chennai
O/o the Regional Joint Commissioner (South)
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Ripon Building, Chennai 600 003
- 5 The Secretary
Housing and Urban Development Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009

- 1 cc to M/s.K. Soundarajan, Advocate, Sr. 3731
1 cc the Government Pleader, Sr. 3157

W.P. No.1058 of 2015
and M.P.No. 1 of 2015

EV (CO)
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