

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2015

CORAM:

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

W.P. No.11321 of 2015 and M.P. Nos.1 and 2 of 2015

S.A. Sulaiman

Petitioner

vs.

- 1 The State of Tamil Nadu
represented by its Secretary
Housing and Urban Development Department
Fort St. George
Chennai 600 009
- 2 Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 4 The Executive Engineer
Enforcement Region - Central
Corporation of Chennai
II Cross Street (East)
Pulla Avenue
Shenoy Nagar
Chennai 600 030

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the impugned notice (vide: Region Central/TPENF/ /2014 dated 23.12.2014 on the file of the fourth respondent and quash the same and consequently forbear the respondents from initiating any coercive action by locking and sealing the petitioner's building at bearing no.343, G-Block, II Avenue, Anna Nagar, Chennai - 600 040, till the disposal of the petitioner's

appeal no.1218/UD6/2009 dated 19.01.2009 filed under Section 79 of the Town and Country Planning Act, pending before the first respondent.

For petitioner Mr. AR.L. Sundaresan, Sr. Counsel
for Mr. M. Imthias

For R1 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For R2 Mr. K. Raja Shrinivas
Standing Counsel

For RR 3 & 4 Mr. G. Anantharangan
Standing Counsel

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. K. Raja Shrinivas, learned Standing Counsel, accepts notice for the second respondent. Mr. G. Anantharangan, learned Standing Counsel, takes notice for respondents 3 and 4. 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 Though this writ petition is filed challenging the de-occupation notice dated 23.12.2014 issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town Country Planning Act, 1971 (for short "the Act") and also, for a direction forbearing the respondents from initiating any coercive action by locking and sealing the premises in question till the disposal of the petitioner's appeal dated 19.01.2009, today, when the matter was taken up for hearing, the learned Senior Counsel appearing for the petitioner submitted that it would suffice if a direction is given to the first respondent to consider and pass orders on the petitioner's appeal dated 19.01.2009 within a reasonable time.

3 From a perusal of the records, it is seen that the petitioner has already filed an appeal before the first respondent on 19.01.2009, which is pending consideration. It is further seen that in the said appeal, the petitioner has also preferred an application for interim stay on 15.04.2015, 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 an appeal and also an application for interim relief are filed, 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 first respondent to consider the petitioner's application for interim relief as early as possible, preferably, within a period of two weeks from today and also to consider the petitioner's appeal dated 19.01.2009, 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 obtained today, for a period of two weeks.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

To

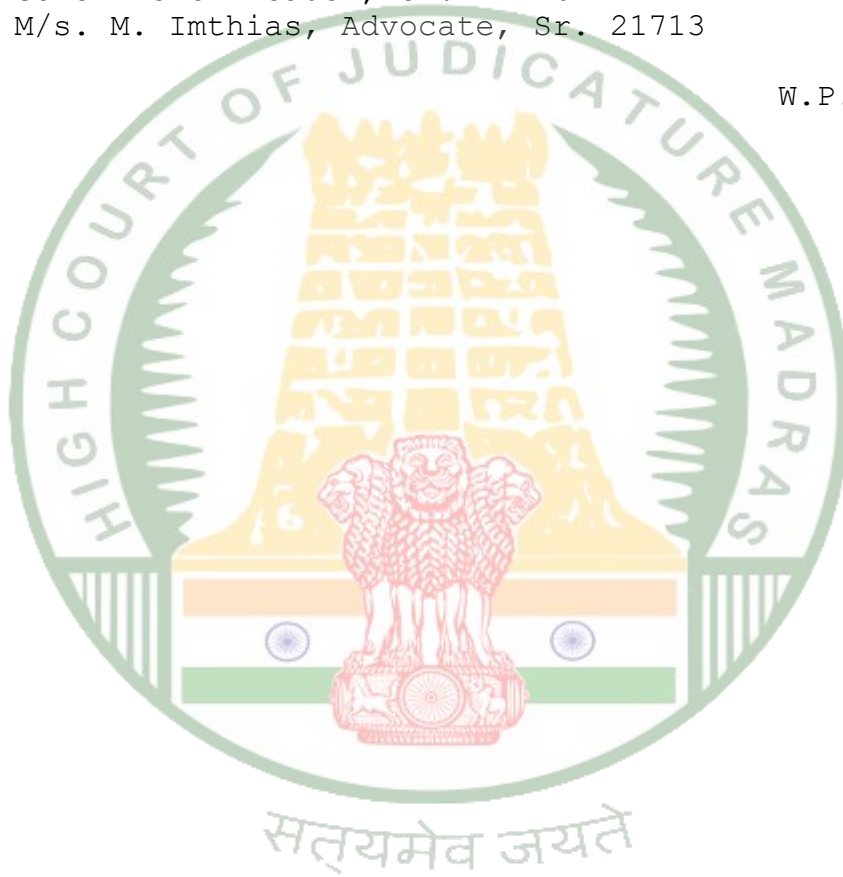
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1 cc to M/s. G. Anantharangan, Advocate, Sr. 21281
1 cc to M/s.K. Raja Shrinivas, Advocate, Sr. 21396
1 cc to Government Pleader, Sr. 21416
1 cc to M/s. M. Imthias, Advocate, Sr. 21713

W.P. No.11321 of 2015

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