

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2015

CORAM:

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

W.P. No.11617 of 2015 and M.P. No.1 of 2015

Nilofer Suhail

Petitioner

Vs.

- 1 The State of Tamil Nadu
represented by its Secretary to
Housing and Urban Development Department
Fort St. George, Chennai 600 009
- 2 The Corporation of Chennai
represented by its Commissioner
Ripon Buildings, Chennai 600 003
- 3 The Corporation of Chennai
Regional Office - Central
represented by Regional Deputy Commissioner
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 mandamus forbearing the respondents 2 and 3 from initiating action under the notice dated 20.03.2015 Locking and Scaling and Demolition Notice bearing Notice No.REGIONCENTRAL/TPENF/0117/2015 pending disposal of the appeal dated 1.4.2015 filed under section 80A of the Tamil Nadu Town & Country Planning Act 1971 and pass such further or other orders.

For petitioner Mr. M.S. Krishnan, Sr. Counsel
for Mr. Mohammed Fayaz Ali

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

For RR 2 & 3 Mr. G. Anantharangan
Standing Counsel

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent and Mr.G.Anantharangan, learned Standing Counsel, accepts notice for respondents 2 and 3. 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 From a perusal of the records, it transpires that the third respondent-Chennai Corporation, has issued locking, sealing and demolition notice dated 20.03.2015 against the petitioner under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). Thereagainst, the petitioner has already filed an appeal under Section 80-A of the Act before the first respondent-Government on 01.04.2015, challenging the aforesaid notice dated 20.03.2015, which is pending consideration. It is further seen that along with the said appeal, the petitioner has also preferred an application for interim stay, under Section 80-A(3) of the Act.

3 It was observed by this Court in many a case that if there is an application for interim relief, the authorities are expected to consider the application for interim relief, within a period of two weeks. However, in the case on hand, despite lapse of two weeks from the date of filing of the application for interim relief, no order has been passed in the said petition. Therefore, without going into the merits of the case, we are of the considered view that if an appeal is filed along with the application for interim relief, the officers are well advised to consider the application for interim relief at the earliest, preferably, within a period of two weeks, to avoid further complications.

4 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 the date of receipt of a copy of this order and also to consider the petitioner's appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. It is made clear that for a period of two weeks, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties.

5 The writ petition stands disposed of with the above direction and observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

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

2 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

3 The Deputy Commissioner
Regional Office - Central
Corporation of Chennai
II Cross Street (East)
Pulla Avenue
Shenoy Nagar, Chennai 600 030.

+ 1 cc to Mr.G.Anantharangan, Advocate Sr.21553
+ 1 cc to Mr.Mohammed Fayaz Ali, Advocate Sr.21626

SVI (CO)
Eu 29.04.15

W.P. No.11617 of 2015

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