

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2015

CORAM:

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

W.P.No. 1172 of 2015
and
M.P. No. 1 of 2015

1. R. Mohanlal
2. Kamalesh
3. P. Manoj Kumar
4. Govardhanlal
5. Suresh Kumar

...Petitioners

vs.

1. The Corporation of Chennai,
rep. By its Commissioner,
Ripon Buildings,
Chennai 600 003.
2. The Executive Engineer (Enforcement)
Corporation of Chennai,
Town Planning,
O/o Regional Deputy Commissioner (North),
61 Basin Bridge Road, Chennai .21.
3. The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai.9.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 and 2 herein from initiating any coercive action of Locking and Sealing under Town and Country Planning Act with regard to the building put up at Old No.166 (New No.339) Mint Street, Sowcarpet , Chennai-79 till the disposal of the Appeal Petition submitted by the petitioners under Section 80-A of the Town and Country Planning Act to the 3rd respondent herein.

For Petitioners : Mr. R. Mohan

For Respondents : Mr. R. Arunmozhi - R1 & R2

Mr. P.S. Sivashanmugasundaram
Spl. Govt. Pleader - R3

ORDER

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

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

2. Mr. R. Arunmozhi, learned standing counsel, takes notice for respondents 1 and 2. Mr. P.S.Sivashanmughasundaram, learned Special Government Pleader, takes notice for the third respondent.

3. We have considered the facts and circumstances of the case, wherein, it is stated that an appeal under Section 80-A of the Town and Country Planning Act (for short "the Act") , questioning the legality of the order dated 25.11.2014 passed by the second respondent was filed on 31.12.2014. It is further seen that along with the appeal, the petitioner has also preferred an application for interim stay in view of the provisions of Section 80-A(3) of the Act.

4. 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 to avoid further complications at the earliest, preferably within a period of two weeks.

5. Accordingly, in this case, we direct the third respondent to consider the petitioners' application for interim relief as early as possible preferably within a period of two weeks from today and consider their appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law.

6. This writ petition is disposed of accordingly.
Consequently, M.P. No. 1 of 2015 is closed. No costs.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

ra

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
2. The Executive Engineer (Enforcement)
Corporation of Chennai,
Town Planning,
O/o Regional Deputy Commissioner (North),
61 Basin Bridge Road, Chennai .21.
3. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai.9.

1 CC to Mr. R. Arunmozhi, Advocate SR.No. 3224

1 CC to the Government Pleader, SR.No. 2872

1 CC to Mr. R. Mohan, Advocate SR.No. 2612

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W.P.No.1172 of 2015

VD (CO)
PSI (05.02.2015)