

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2015

CORAM:

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

W.P. No.12203 of 2015
and
M.P. Nos.1 and 2 of 2015

R. Raj Kumar Challani

... Petitioner

vs.

The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records relating to the impugned order passed by the respondent in his Letter No.ED/N-1/1444/2011 dated 09.04.2015 and quash the same.

For petitioner : Mr. H. Adaikala Arockiaraj

For respondent : Mr. K. Raja Shrinivas

ORDER

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

Mr. K. Raja Shrinivas, learned Government Standing Counsel, accepts notice for the respondent. 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 09.04.2015 issued under Section 56(2)(iii) and (2A) of the Tamil Nadu Town Country Planning Act, 1971, today, when the matter is taken up for hearing, the learned counsel for the

petitioner submits that the petitioner has preferred an appeal before the appellate authority, viz., the Housing and Urban Development Department, challenging the notice impugned in the instant petition and it would suffice if a direction is given to the Government to consider and pass orders on the petitioner's appeal, within a reasonable time.

3. In view of the above submission made by the learned counsel for the petitioner, 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, as claimed by the petitioner, are filed challenging the de-occupation notice impugned herein and the same are pending consideration, the officers are well advised to consider the application for interim relief, on its own merit and in accordance with the statutory provisions, to avoid further complications at the earliest, preferably, within a period of two weeks.

4. Accordingly, we direct the Government 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 filed challenging the notice dated 09.04.2015 which is impugned herein, 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.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

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To

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. The Secretary
Housing and Urban Development Department
Fort St. George
Chennai 600 009

+1cc to Mr.H.Adaikala Arockiaraj, Advocate, S.R.No.22594
+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.22719
+1cc to the Government Pleader, S.R.No.22918

W.P. No.12203 of 2015

CNR(CO)
CA(05/05/2015)



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