

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM:

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

W.P. No.13186 of 2015
and
M.P. No.1 of 2015

Tharakaram
S/o Chengelvaraya Reddy
represented by Power Agent
Sri Vasavi Builders and Promoters
represented by its Managing Partner
J. Hari Kumar
Old No.1/1, New No.1/2, Ground Floor
Manikanda Mudali Street
George
Town
Chennai 600 001

... Petitioner

Vs.

- 1 The Secretary to the Government
Housing and Urban Development Department
Fort St. George, Chennai - 600 009
- 2 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
- 3 The Regional Deputy Commissioner
Corporation of Chennai - North Zone
RDC North Office (Enforcement)
62, Basin Bridge Road, Old Washermanpet
Chennai 600 021
- 4 The Executive Engineer
Zone V, Corporation of Chennai
Royapuram, Chennai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 to 4 to forbear them from in any way interfering with the petitioner's building in Door No.32/26, Arumugam Street, George Town, Chennai 600 079, particularly, by way of locking, sealing and demolition in pursuance of the notice in Letter No.DN.57/03389/2015 dated 06.04.2015 during the pendency of the petitioner's appeal dated 08.04.2015 on the file of the first respondent.

For petitioner : Mr. S. Santhosh

For R1 : Mr. N. Sakthivel, Govt. Advocate

For RR 2 to 4 : Ms. Karthikaa Ashok,
Standing Counsel

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the first respondent. Ms. Karthikaa Ashok, learned Standing Counsel, accepts notice for respondents 2 to 4. With the consent of the learned Government Advocate and the learned Standing Counsel, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a writ of mandamus forbearing respondents 2 to 4, from in any way interfering with the petitioner's building in Door No.32/26, Arumugam Street, George Town, Chennai 600 079, particularly, by way of locking, sealing and demolition in pursuance of the notice in Letter No.DN.57/03389/2015 dated 06.04.2015 issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") during the pendency of the petitioner's appeal dated 08.04.2015 on the file of the first respondent.

3. From a perusal of the records, it transpires that the fourth respondent has issued locking, sealing and demolition notice dated 06.04.2015 under Sections 56 and 57 read with Section 85 of the Act against the petitioner. Thereagainst, the petitioner has already filed an appeal under Section 80-A of the Act before the first respondent-Government on 08.04.2015, which is pending consideration. It is also seen that along with the said 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. 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.

5. Accordingly, we direct the first respondent-Government to consider the petitioners' 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 and pass orders on the petitioners' appeal, on its own merits and in accordance with law, within the statutory period prescribed under the provisions of 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.

6. 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

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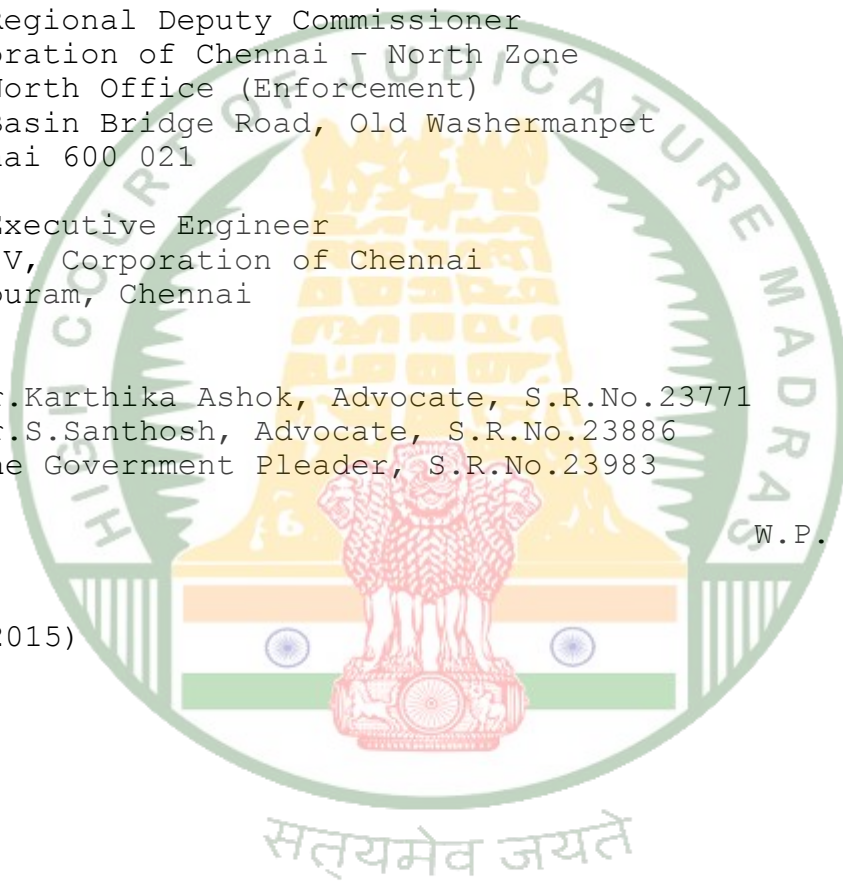
To

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Chennai 600 021
- 4 The Executive Engineer
Zone V, Corporation of Chennai
Royapuram, Chennai

+1cc to Mr.Karthika Ashok, Advocate, S.R.No.23771
+1cc to Mr.S.Santhosh, Advocate, S.R.No.23886
+1cc to the Government Pleader, S.R.No.23983

W.P. No.13186 of 2015

SR(CO)
CA(18/05/2015)



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