

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.13247 of 2015 and M.P. Nos.1 & 2 of 2015

Madras Diabetes Research Foundation
(registered under the Societies Registration Act)
represented by its President
Dr. V. Mohan
S/o Late Dr. M. Viswanathan
No.4, Conran Smith Road
Gopalapuram
Chennai 600 086

Petitioner

Vs.

- 1 The State of Tamil Nadu
represented by its Secretary
Housing and Urban Development Authority
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Director of Town and Country Planning
No.807 Anna Salai
Chennai 600 002
- 3 The Member Secretary
Mamallapuram Local Planning Authority
No.124, G.S.T. Road
Rajeswari Vedachalam Commercial Complex
Chengalpattu 603 001
Kancheepuram District
- 4 The President
Siruseri Town Panchayat
No.38, Siruseri Post
Chengalpattu Taluk
Kancheepuram District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the petitioner's appeal dated 31.03.2015 bearing No.6641 of 2015 against the orders of the third respondent dated 17.02.2015 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, relating to the property Plot No.20, Survey No.240/2, Siruseri Village, Chengalpattu Taluk, Kancheepuram District.

For petitioner Mr. Kalyankishen Singh

For RR 1 & 2 Mr. N. Sakthivel, Govt. Advocate

For RR 3 & 4 Mr. R. Ravichandran
Additional Government Pleader

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1 and 2. Mr. R. Ravichandran, learned Additional Government Pleader, accepts 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 This writ petition is filed seeking a writ of mandamus directing the first respondent to dispose of the petitioner's appeal dated 31.03.2015 bearing No.6641 of 2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") against the order dated 17.02.2015 passed by the third respondent, relating to the property at Plot No.20, Survey No.240/2, Siruseri Village, Chengalpattu Taluk, Kancheepuram District.

3 From a perusal of the records, it transpires that the third respondent has issued locking, sealing and demolition notice dated 17.02.2015 under Sections 56 and 57 read with Section 85 of the Act against the petitioner. Thereagainst, the petitioner has filed an appeal under Section 80-A of the Act before the first respondent-Government on 31.03.2015, which is still pending consideration. Along with the said appeal, the petitioner has also preferred an application for interim stay under 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 three 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 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 and pass orders on the petitioner's 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 Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Secretary
Housing and Urban Development Authority
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Director of Town and Country Planning
No.807 Anna Salai
Chennai 600 002
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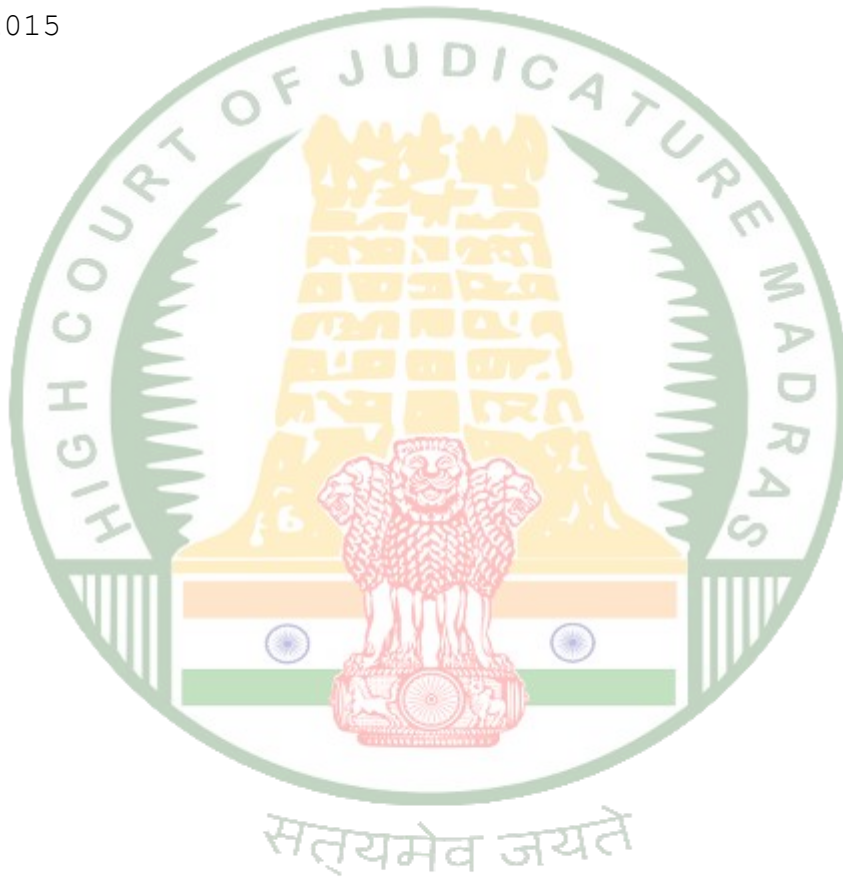
4 The President
Siruseri Town Panchayat
No.38, Siruseri Post
Chengalpattu Taluk
Kancheepuram District.

1 cc to Government Pleader, Sr.No23974

1 cc to Mr. P.Subba Reddy, Advocate, SR.No. 24447/15

W.P. No.13247 of 2015

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pmk.20.5.2015



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