

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

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

W.P. No.13374 of 2015 and M.P. No.1 of 2015

K. Palani

Petitioner

Vs.

- 1 The Secretary to Government of Tamil Nadu  
Housing and Urban Development Department  
Fort St. George  
Chennai 600 009
- 2 The Executive Engineer  
Regional Joint Commissioner - South  
(Enforcement Cell)  
Adyar  
Chennai 600 020
- 3 The Member Secretary  
Chennai Metropolitan Development Authority  
Egmore  
Chennai 600 008

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the second respondent lock and seal notice no.10451 dated on 21.04.2015 as illegal and quash the same and consequently to regularise building bearing Door No.60, Dr. Muthulakshmi Salai, L.B. Road, Thiruvanmiyur, Chennai - 600 041.

For petitioner Mr. G. Ranganathan

For RR 1 & 2

Mr. P.S. Sivashanmugasundaram  
Special Government Pleader

For R 3

Mr. K. Raja Shrinivas  
Standing Counsel

## ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 and 2. Mr. K. Raja Shrinivas, learned Standing Counsel, accepts notice for the third 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 This writ petition is filed challenging the de-occupation notice dated 21.04.2015 and for a consequential direction to the authorities to regularise building bearing Door No.60, Dr. Muthulakshmi Salai, L.B. Road, Thiruvannamiyur, Chennai - 41.

3 Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if a direction is issued to the first respondent-Government to dispose of the revision preferred by the petitioner against the de-occupation notice dated 10.12.2014 issued by the second respondent, within a time frame.

4 From a perusal of the records, it transpires that the second respondent has issued de-occupation notice dated 10.12.2014 under Sections 56(2A) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act (for short "the Act") against the petitioner. Thereagainst, the petitioner has filed a revision under Section 80-A of the Act before the first respondent-Government on 18.02.2015, 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.

5 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 more than two months 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 a revision 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.

6 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 revision, 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. It is further made clear that the petitioner is at liberty to file an appeal/revision challenging the order dated 21.04.2015, which is impugned in the instant writ petition.

7 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 to Government of Tamil Nadu  
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- 3 The Member Secretary  
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Egmore  
Chennai 600 008.

1 cc to Mr.G.Ranganathan ,Advocate, SR.No.24044  
1 cc to Mr.K.Raja Shrinivas ,Advocate, SR.No.24587

W.P. No.13374 of 2015

ppa (co)  
pmk.4.5.2015