

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HONOURABLE MR .JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.14390 of 2015

and

M.P.No. 2 of 2015

1. Sayar Bai @ Appu Devi
2. B.Hari Om Kumar
3. B.Murali
4. B.Ganshyam

... Petitioners

Vs.

1. Corporation of Chennai,
Rep. By its Commissioner,
Rippon Buildings, Chennai - 600 009.
2. The Executive Engineer,
Enforcement - Region Central,
Corporation of Chennai,
2nd Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.
3. Government of Tamil Nadu,
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition with regard to the petitioner building put up at No.171, Purasawakkam High Road, Kilpauk, Chennai - 600 010 under Town and Country Planning Act till the disposal of petitioner's appeal petition submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act.

For Petitioners : Mr.R.Mohan

For Respondents : Mr.V.C.Selvakumar, for R1 and R2
Mr.A.Kumar, Spl.G.P. for R3

ORDER

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

Heard Mr.R.Mohan, learned counsel appearing for the petitioners and Mr.V.C.Selvakumar, learned counsel, who takes notice for R1 and R2 and Mr.A.Kumar, the learned Special Government Pleader, who takes notice for the third respondent.

2. The petitioners sought for a mandamus forbearing the respondents 1 and 2 or anybody on their behalf from initiating any action of locking and sealing and demolishing the building put up at No.171, Purasawakkam High Road, Kilpauk, Chennai - 600 010 till the disposal of their appeal petition filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, with the Government, the 3rd respondent herein.

3. It is stated by the petitioners that the authorities have issued a notice on 16.4.2015 for locking and sealing the premises allegedly on the reason that the said construction put up by the petitioners is an unauthorised one. It is further contended by the petitioners that as against the said lock and seal notice dated 14.05.2015, they filed an appeal before the third respondent, viz., the Secretary to Government, Housing and Urban Development Department, under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, along with a stay petition. It is stated that the said appeal petition was filed on 27.04.2015 and the same is still pending and order is not yet passed by the third respondent. Therefore, it is contended that pending disposal of the said appeal petition, any act on behalf of the respondents to lock and seal the premises or to demolish the building, which is the subject matter of the writ petition, cannot be permitted.

4. The learned counsel appearing for the petitioners invited this Court's attention to the earlier orders passed in identical matters in W.P.No.13951 of 2013, dated 8.5.2015, wherein one of us (R.SUBBIAH, J.) was a party and in W.P.No.25661 of 2014 dated 29.9.2014, wherein one of us (K.RAVICHANDRABAABU, J.) was a party.

5. A perusal of those orders would show that in similar circumstances this Court has directed the appeal filed by the petitioners therein to be disposed of on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of the order and the stay petition to be disposed of within a period of two weeks from that date. It was further ordered therein that till orders are passed in the stay petition, status-quo as on that shall be maintained by both the parties.

6. When similar orders are passed by this Court in series of matters like the one before us, we do not find any reason to deviate from the earlier orders passed by this Court in similar circumstances and thus propose to pass the very same order in this matter also. Accordingly, without expressing any view on the merits of the case, we direct the third respondent herein to take up the appeal filed by the petitioners and dispose of the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and also to take up the stay petition, filed along with the appeal, and dispose of the same on merits and in accordance with law within a period of two weeks from today. Till such time, status-quo as on today shall be maintained by both the parties.

7. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 009.
2. The Executive Engineer,
Enforcement - Region Central,
Corporation of Chennai,
2nd Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

3. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.

+1cc to Mr.R.Mohan, Advocate, S.R.No.25058

W.P.No.14390 of 2015

SR(CO)
CA(21/05/2015)



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