

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.14392 of 2015
and
M.P.No.1 of 2015

A.Shabbir

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. Chennai Metropolitan Development Authority,
Rep. By its Member-Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the second respondent to forbear them from in any way interfering with the building put up at Door No.138, Linghi Chetty Street, Chennai - 1 particularly by way of locking and sealing or demolition of the same, pending final determination of the statutory Appeal dated 04.05.2015 by the first respondent under Section 80-A and 80(A) (3) of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.A.Kumar, Spl.G.P. for R1
Mr.K.Rajasrinivas, for R2

ORDER

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

Heard Mr.D.S.Rajasekaran, learned counsel appearing for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who takes notice for the first respondent and Mr.K.Rajasrinivas, the learned counsel, who takes notice for the second respondent.

2. The petitioner sought for a mandamus forbearing the respondents or anybody on their behalf from initiating any action of locking and sealing and demolishing the building put up at Door No.138, Linghi Chetty Street, Chennai - 1, till the disposal of his appeal petition filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, with the Government, the first respondent herein.

3. It is stated by the petitioner that the authorities have issued a notice on 09.03.2015 for locking and sealing the premises allegedly on the reason that the said construction put up by the petitioner is an unauthorised one. It is further contended by the petitioner that as against the said lock and seal notice dated 09.03.2015, he filed an appeal before the first respondent, namely, the Government of Tamil Nadu, 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 04.05.2015 and the same is still pending and order is not yet passed by the first 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 petitioner 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 first respondent herein to take up the appeal filed by the petitioner 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/-

Vacation Officer (CS II)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Member-Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.25056
+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.25101
+1cc to the Government Pleader, S.R.No.25088

W.P.No.14392 of 2015

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