

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.14397 of 2015
and
M.P.No.1 of 2015

Sri Vidya College of Engineering and Technology,
Rep.by its Chief Executive Officer,
Sivakasi Main Road,
P.Kumaralingapuram,
Virudunagar, Virudunagar District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Town and Country Planning,
O/o. The Directorate of Town and Country Planning,
807, Anna Salai, Chennai - 600 002.
3. The Deputy Director of Town and Country Planning,
No.4, Hakeem Ajmal Khan Road,
Chinnachokkikulam, Madurai - 625 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st Respondent herein to forthwith consider and pass orders on the interim Application dated 19.04.2015 filed under Section 80(A)(3) of the Tamil Nadu Town and Country Planning Act, 1971 in accordance with law pending disposal of the Appeal.

For Petitioner : Mr.K.Duraisamy,
Senior Counsel
for Mr.Muthumani Doraisamy

For Respondents : Mr.A.Kumar,
Spl.Govt.Pleader

ORDER

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

Heard Mr.K.Duraisamy, the learned Senior counsel appearing for the petitioner and Mr.A.Kumar, learned counsel, who takes notice for the respondents.

2. The petitioner sought for a mandamus directing the first respondent to forthwith consider and pass orders on their interim Application dated 19.04.2015 filed under Section 80(A)(3) of the Tamil Nadu Town and Country Planning Act, 1971 in accordance with law, pending disposal of the Appeal.

3. It is stated by the petitioner that the authorities have issued a notice on 13.4.2015 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 13.04.2015, they filed an appeal before the first respondent, namely, 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 19.04.2015 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 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 date 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/-

Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

msk

To

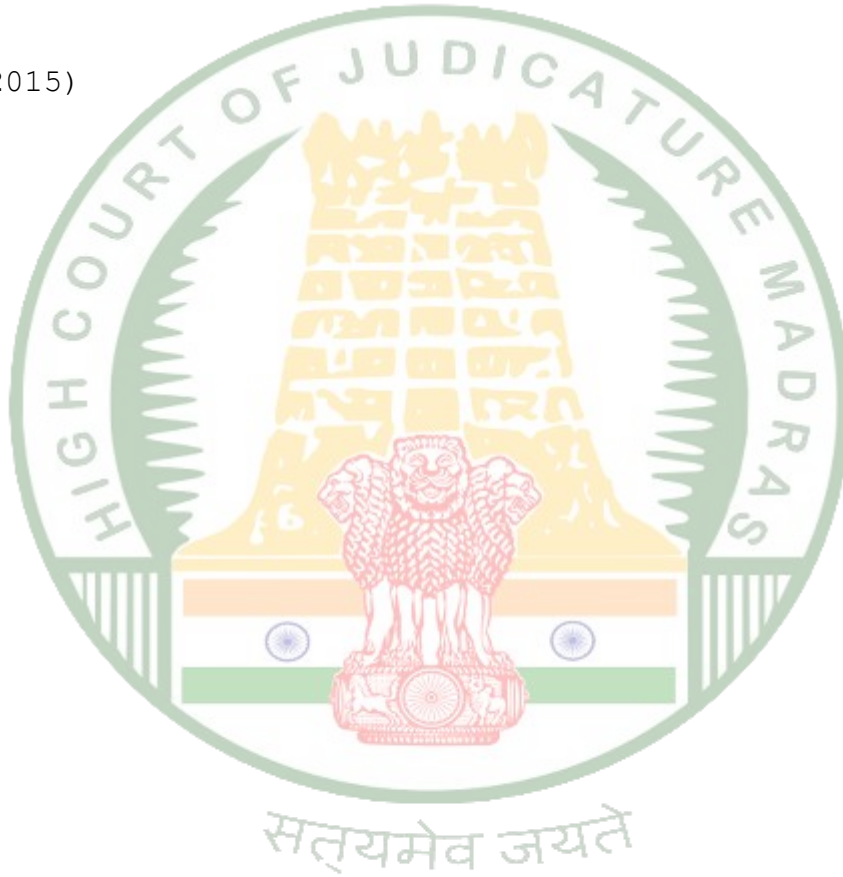
1. The Principal Secretary,
The Government of Tamil Nadu,
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2. The Commissioner of Town and Country Planning,
O/o. The Directorate of Town and Country Planning,
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3. The Deputy Director of Town and Country Planning,
No.4, Hakeem Ajmal Khan Road,
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+1cc to M/s.Muthumani Doraisamy, Advocate, S.R.No.25104
+1cc to the Government Pleader, S.R.No.25248

W.P.No.14397 of 2015
and
M.P.No.1 of 2015

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



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