

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

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

W.P. No. 15042 of 2015
Dixit H. Jain ... Petitioners

vs.

- 1 The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.
- 2 The Commissioner,
Corporation of Chennai, Rippon Building,
Chennai-3.
- 3 The Regional Deputy Commissioner,
Corporation of (Chennai North Zone),
62 Basin Bridge, Old Washermenpet ,
Chennai-21.
- 4 The Executive Engineer,
Zone V Corporation, 62 Basin Bridge ,
Old Washermenpet, Chennai-21. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 2 to 4 to forbear them from in any way interfering with the petitioner's premises for the Building in New No.19 and Old No.9, Nattu Pillayar Koil Street , Sowcarpet, Chennai-600 079 particularly by way of Locking Sealing and Demolition in pursuance of the Notice in Letter No.Enf/ Dn.55/033/2015, dated 10.4.2015 during the pendency of petitioner Appeal dated 8.5.2015 on the file of the 1st respondent.

For petitioner : Mr. S. Santosh

For respondents : Mr.P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1

Mr. G. Anantharangan - R2 to R4

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accept notice for the first respondent and Mr.G.Anantharangan, learned Standing Counsel accepts notice on behalf of the respondents 2 to 4. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2 From a perusal of the records, it transpires that the third respondent- Regional Deputy Commissioner, Corporation of Chennai (North Zone) has issued lock and seal notice dated 10.04.2015 against the petitioner under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). Thereagainst, the petitioner has already filed an appeal under Section 80-A of the Act before the first respondent-Government on 08.05.2015, challenging the aforesaid notice dated 10.04.2015, which is pending consideration. It is further seen that along with the said appeal, the petitioner has also preferred an application for interim stay, in view of the provisions of Section 80-A(3) of the Act.

3 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.

4 Accordingly, we direct the first respondent 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 the petitioner's appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with 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.

5 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

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To

- 1 The Secretary to Government,
Housing and Urban Development Department,
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- 2 The Commissioner,
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Chennai-3.
- 3 The Regional Deputy Commissioner,
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62 Basin Bridge, Old Washermenpet,
Chennai-21.
- 4 The Executive Engineer,
Zone V Corporation, 62 Basin Bridge,
Old Washermenpet, Chennai-21.

1 cc to Mr. G. Anantharangan, Advocate Sr.No.26570
1 cc to Mr. S. Santosh, Advocate Sr.No.26573

W.P. No.15042 of 2015

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