IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:03-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.15507 of 2015 and M.P.No.1 of 2015

Sri Kanya Ka Parameswari Devasthanam
rep. by its Secretary K. Ravindranath
S/o.Late.K.Srinivasalu
New No. 82 , Amman Koil Street
George Town Chennai-1 Petitioner

Vs

1 Corporation of Chennai
rep. by its Commissioner
Ripon Buildings
Chennai-3

2 Executive Engineer
(Enforcement) Corporation of Chennai
O/o. Regional Deputy Commissioner (North)
Basin Bridge Road
Chennai-21

3 Government of Tamilnadu
rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai-9 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.82 Amman Koil Street, George Town, Chennai-1 under Town and Country Planning Act till the disposal of petitioners appeal petition dated 14.5.2015 submitted under Section 80-A of the Tamilnadu Town and Country Planning Act to the 3rd respondent herein

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For petitioner :: Mr. R. Mohan
For respondents :: Mrs. Karthikaa Ashok for RR1 & 2
Mr. P.S. Shivashanmugha Sundaram,
Spl.G.P.for R3

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ORDER

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

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 The first respondent has issued lock, seal and demolition notice dated 10-04-2015 against the petitioner under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 From a perusal of the records, it is seen that the petitioner has already filed an appeal before the third respondent on 14-05-2015 against 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.

4 Therefore, without going into the merits of the case, we are of the considered view that if the appeal is filed along with the application for interim relief, the officers are well advised to consider the application for interim relief to avoid further complications at the earliest, preferably within a period of two weeks.

5 Accordingly, we direct the third respondent to consider the petitioner's application for interim relief as early as possible, preferably within a period of two weeks from today and also to consider his appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. There shall be an order of status quo as on today for a period of two weeks.

6 With the above directions, the writ petition is disposed of. No costs. Connected Miscellaneous Petition is closed.

glp

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. Commissioner ,
Corporation of Chennai
Ripon Buildings
Chennai-3

2 Executive Engineer
(Enforcement) Corporation of Chennai
O/o. Regional Deputy Commissioner (North)
Basin Bridge Road
Chennai-21

3 Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai-9

+ 1 cc to Mr.R.Mohan, Advocate SR 26119

+ 1 cc to M/s.Karthikaa Ashok, Advocate SR 26208

+ 1 cc to the Government Pleader SR 26418

ug(co)
prk12/6

W.P.No.15507 of 2015

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