

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.15532 of 2015  
and  
M.P.No.1 of 2015

P.Athisamy  
S/o.Pramaiya Nadar  
Old No.18 New No.35  
Vengaiyer Street  
Kondithope  
Chennai-79.

...Petitioner

Vs

- 1 The Secretary to Government  
Housing and Urban Development Department  
Fort St. George Chennai-9.
- 2 The Member Secretary  
Chennai Metropolitan Development Authority  
No.1 Gandhi Irwin Road  
Egmore  
Chennai-8.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to forbear from in any way interfering with the petitioner building in Door No.180, Anna Pillai Street, Chennai-600 001 particularly by way of Locking Sealing and Demolition or in any such manner in pursuance of the Notice in Letter No.EN2/ 18966/ 2014/ dated 9.3.2015; during the pendency of petitioner Appeal dated 11.5.2015 on the file of the 1st respondent

For petitioner : Mr. B. Prashaanth  
For respondents : Mr. P.S. Shivashanmugha Sundaram,  
Spl.G.P. for R1  
Mr. C. Johnson, for R2

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 second respondent has issued lock, seal and demolition notice dated 09-03-2015 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 first respondent on 11-05-2015 against the aforesaid notice dated 09-03-2015, 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 first 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.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

glp

To

- 1 The Secretary to the Government  
Housing and Urban Development Department  
Fort St. George  
Chennai-9
- 2 The Member Secretary  
Chennai Metropolitan Development Authority  
No.1 Gandhi Irwin Road  
Egmore  
Chennai-8

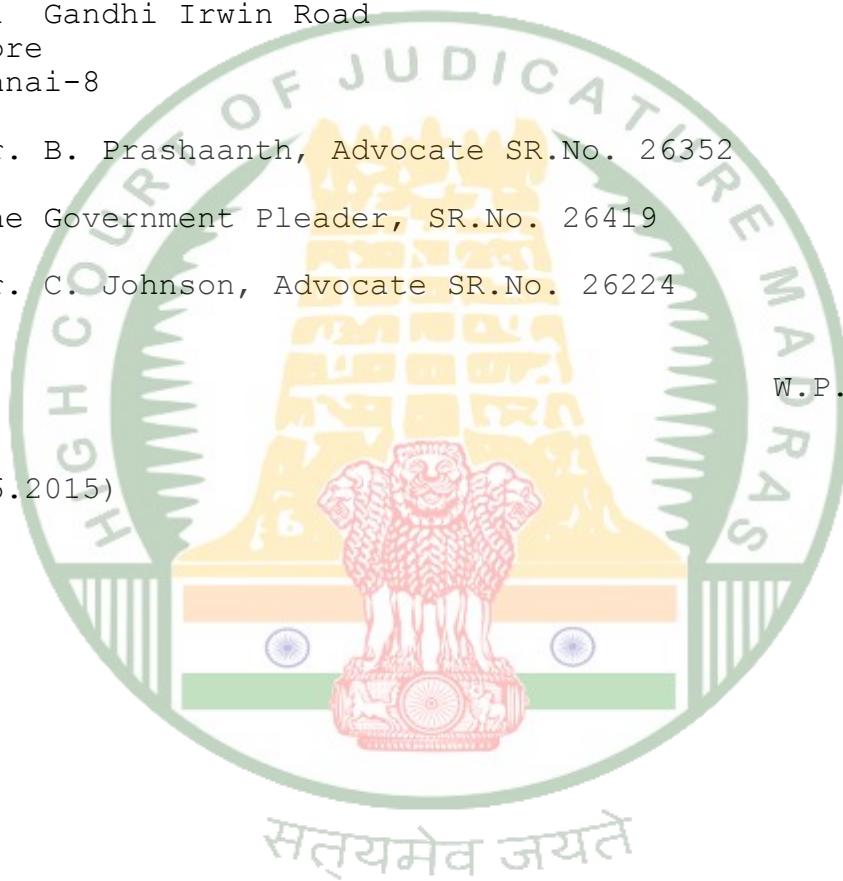
1 CC to Mr. B. Prashaanth, Advocate SR.No. 26352

1 CC to the Government Pleader, SR.No. 26419

1 CC to Mr. C. Johnson, Advocate SR.No. 26224

W.P.No.15532 of 2015

JSV (CO)  
PSI (12.06.2015)



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