

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.15662 of 2015 and M.P.No.1 of 2015

- 1 M/s.Om Ganesh Jewellers Pvt. Ltd.
rep. by its Managing Director
Narendra G Dhakan
New No.157 and Old No.77
N.S.C.Bose Road
George Town
Chennai-1 ..Petitioner
- Vs
- 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 ..Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to forbear them from in any way interfering with the petitioners building in New No.157 and Old No.77 N.S.C.Bose Road George Town Chennai-600 001 particularly by way of locking sealing and demolition in pursuance of the Notice in Letter No.ED/N-I/ 471/2015 dated 18.3.2015 during the pendency of petitioners appeal dated 4.5.2015 on the file of the 1st respondent

For petitioner	::	Mr. S. Santhosh
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 18-03-2015 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 04-05-2015 against the aforesaid notice dated 18-03-2015, 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.

सत्यमेव जयते

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp

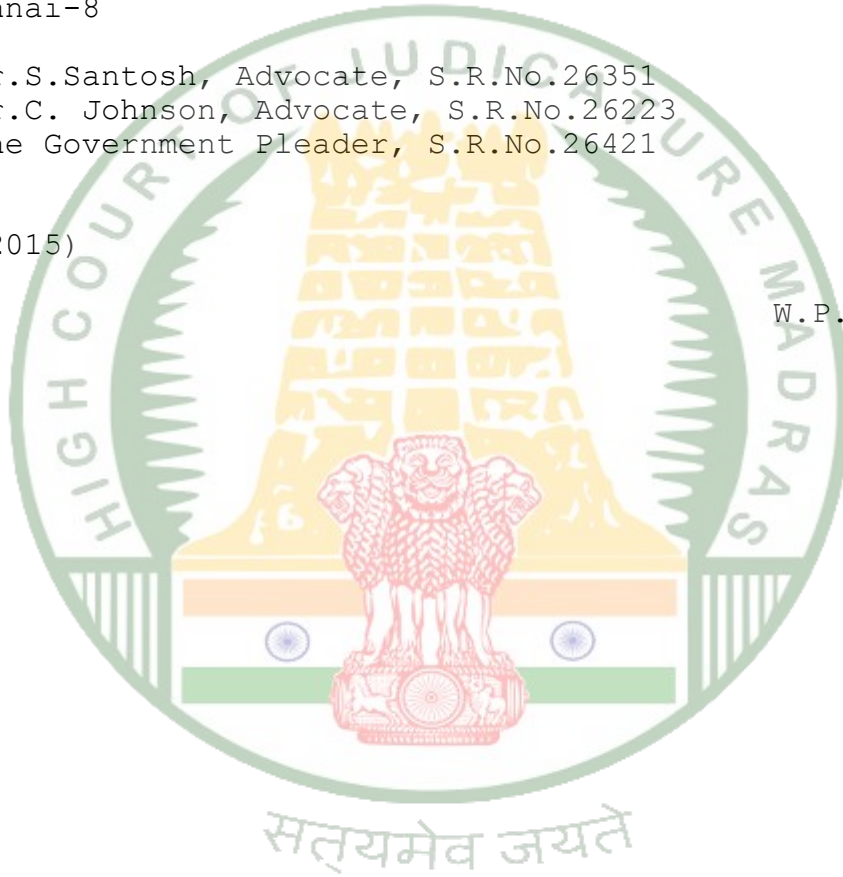
To

- 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

+1cc to Mr.S.Santosh, Advocate, S.R.No.26351
+1cc to Mr.C. Johnson, Advocate, S.R.No.26223
+1cc to the Government Pleader, S.R.No.26421

KSJ(CO)
EU(12/06/2015)

W.P.No.15662 of 2015



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