

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:05-06-2015

CORAM:

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

W.P.No.15885 of 2015

and

M.P.No.1 of 2015

1. Vinod Bansidhar Khatri
S/o. R.Bansidhar
AB-118 4th Avenue
Shanthi Colony
Anna Nagar Chennai-40.

... Petitioner

Vs

1. Corporation of Chennai
Rep. by its Commissioner Ripon Buildings
Chennai-3.
2. Executive Engineer
Enforcement-Region (Central)
Corporation of Chennai
2nd Cross Street Pulla Avenue
Shenoy Nagar
Chennai-30.
3. Government of Tamil Nadu
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 or anybody on their behalf from initiating any coercive action of locking and sealing with regard to the building put up at No.AB-118 4th Avenue Shanthi Colony Anna Nagar Chennai-40 till the disposal of the petitioner appeal petition submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act to the 3rd respondent herein dated 18/5/15.

For petitioner : Mr. R. Mohan
For respondents : Mrs. Karthikaa Ashok, for R1
Mr. P.S. Shivashanmuga Sundaram, Spl.G.P
for R2 & 3

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 locking, sealing and demolition notice dated 23-04-2015 against the petitioner under Sections 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 18-05-2015 against the aforesaid notice dated 23-04-2015, 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.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

glp

To

1. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai-3.
2. The Executive Engineer
Enforcement-Region (Central)
Corporation of Chennai
2nd Cross Street Pulla Avenue
Shenoy Nagar
Chennai-30.
3. The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Fort St. George, Chennai-9.

+1cc to Mr.R.Mohan, Advocate, S.R.No.26803

+1cc to Mr.A.Karthika Ashok, Advocate, S.R.No.27000

+1cc to the Government Pleader, S.R.No.27061

W.P.No.15885 of 2015

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CA(17/06/2015)



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