

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.15962 of 2015 and M.P.No.1 of 2015

R.Sahar Banu  
W/o. S.Ramzan  
Door No.12 5th Trust Cross Street  
Mandaveli Chennai-28. ....Petitioner

Vs

- 1 Government of Tamilnadu  
Rep. by its Secretary to Government Housing  
& Urban Development Department  
Secretariat  
Chennai-9.
- 2 The Corporation of Chennai  
Rep. by its Commissioner  
Rippon Building  
Chennai-3.
- 3 Executive Engineer  
Enforcement (Region Central)  
Corporation of Chennai  
2nd Cross Street (East) Pulla Avenue  
Shenoy Nagar Chennai-30. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the building put up at Door No.12 5th Trust Cross Street Mandaveli Chennai-28 particularly by way of Locking & Sealing or demolition of the same pending final determination of the statutory appeal dated 13/05/2015 by the 1st Respondent under Section 80(A) and 80(A)(3) of the Town & Country Planning Act 1971

For petitioner ::Mr. D.S. Rajasekaran

For respondents::Mr. P.S. Shivashanmuga Sundaram, Spl.G.P  
for R1  
Mrs. Karthikaa Ashok, for RR2 & 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 third respondent has issued de-occupation notice dated 06-05-2015 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 13-05-2015 against the aforesaid notice dated 06-05-2015, 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 her 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/-

Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

glp

To

1 The Secretary to Government Housing  
& Urban Development Department  
Secretariat  
Chennai-9.

- 2 The commissioner  
Corporation of Chennai  
Rippon Building  
Chennai-3.
- 3 Executive Engineer  
Enforcement (Region Central)  
Corporation of Chennai  
2nd Cross Street (East) Pulla Avenue  
Shenoy Nagar Chennai-30

1 cc to Mr.E. Martin Jeyakumar, Advocate, Sr. 26849  
1 cc to Government Pleader, Sr. 27065  
1 cc to Mrs.Karthika Ashok, Advocate, Sr. 27011

W.P.No.15962 of 2015

GJ (CO)  
kk 19/6



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