

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 16444 of 2015

1. N.S. Eshwar (minor)
rep by Father Natural Guazrdian
N.S. Suresh.
2. N.S. Balaji
- Petitioners

vs.

1. The Secretary to the Government,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 2nd respondent to forbear from in any way interfering with the petitioner's building in No.167 and Old No.82 N.S.C. Bose Road, Sowcarpet, Chennai 600 079 particularly by way of locking, sealing and demolition in pursuance of this Notice in letter No.ED/N-I/19265/2014, dated 24-04-2015, during the pendency of petitioner's appeal dated 08.05.2015 on the file of the first respondent.

For petitioner : Mr. S. Santosh
For respondents : Mr. N. Sakthivel
Govt. Advocate - R1
Mr. C. Johnson - R2

ORDER

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

Mr. N. Sakthivel, learned Government Advocate and Mr. C.Johnson, learned counsel accept notice for the respondents 1 and 2 respectively. 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 From a perusal of the records, it transpires that the second respondent-Chennai Metropolitan Development Authority, has issued locking, sealing and demolition notice dated 24.04.2015 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"). Thereagainst, the petitioner has already filed an appeal under Section 80-A of the Act before the first respondent-Government on 08.05.2015, challenging the aforesaid notice dated 24.04.2015, 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.

3 It was observed by this Court in many a case that if there is an application for interim relief, the authorities are expected to consider the application for interim relief, within a period of two weeks. However, in the case on hand, despite lapse of four weeks from the date of filing of the application for interim relief, no order has been passed in the said petition. Therefore, without going into the merits of the case, we are of the considered view that if an appeal is filed along with the application for interim relief, the officers are well advised to consider the application for interim relief at the earliest, preferably, within a period of two weeks, to avoid further complications.

4 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 the date of receipt of a copy of this order and also to consider the petitioner's appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. It is made clear that for a period of two weeks, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties.

5 The writ petition stands disposed of, with the above direction and observation. No costs. Connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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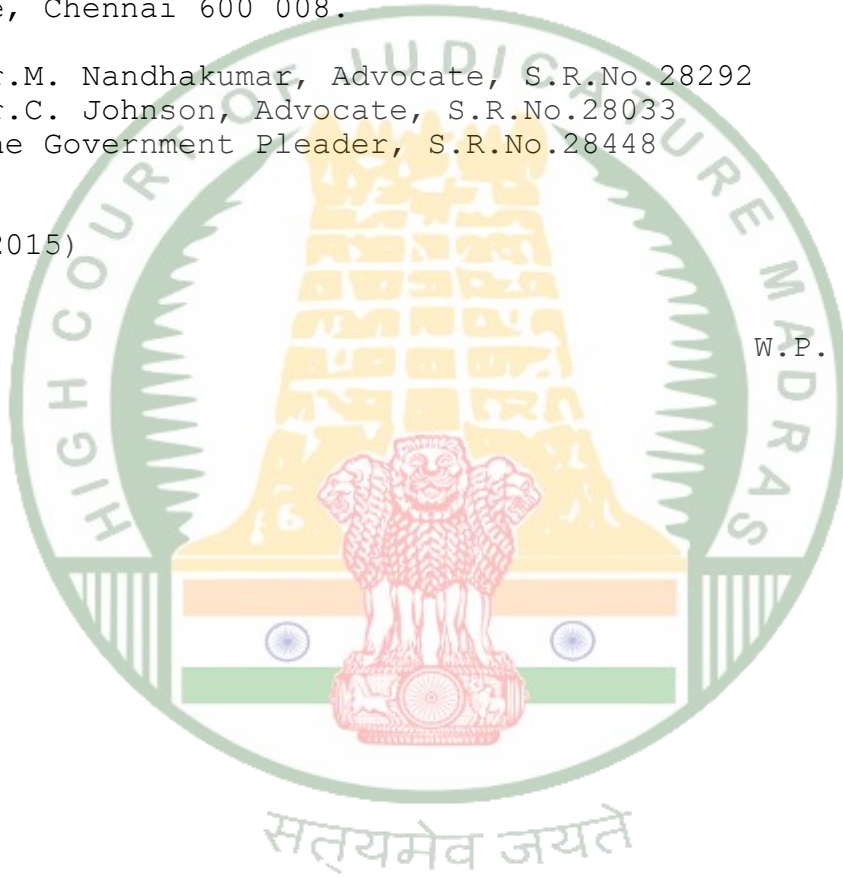
To

- 1 The Secretary to the Government,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.

+1cc to Mr.M. Nandhakumar, Advocate, S.R.No.28292
+1cc to Mr.C. Johnson, Advocate, S.R.No.28033
+1cc to the Government Pleader, S.R.No.28448

SAI (CO)
EU(18/06/2015)

W.P. No.16444 of 2015



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