

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:12-06-2015

CORAM:

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

W.P.No.16700 of 2015
and
M.P.No.1 of 2015

1. Umesh Kumar Agarwal
S/o.Omprakash Agarwal
2. Ashok Kumar Agarwal
S/o.Omprakash Agarwal
3. Kamal Kumar
S/o.Kantilal
4. Satish Agarwal
S/o.Jagdish Prasad Agarwal
5. Santhosh Kumar
S/o.Sampath Raj

All are at Old No.349 New No.336
Mint Street, Sowcarpet
Chennai-600 079.

... Petitioners

- Vs
1. Commissioner
Corporation of Chennai, Ripon Buildings
Chennai-600 003.
 2. The Executive Engineer
Corporation of Chennai
O/o. Regional Deputy Commissioner (North)
Basin Bridge Road
Chennai-21.

3. Government of Tamilnadu
Rep. by its Secretary to Government Housing
and Urban Development Department
Fort St. George, Chennai-600 009.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition with regard to the petitioners building put up at Old No.349, New No.336, Mint Street, Sowcarpet, Chennai 79 under Town and Country Planning Act till the disposal of petitioner's appeal petition dated 09-03-2015 submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 09-03-2015 with the 3rd respondent.

For petitioners : Mr. L. Chandrakumar

For respondents : Mrs. Karthikaa Ashok, for RR1 & 2
Mr. P.S. Shivashanmuga Sundaram,
Special Government Pleader for R3

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 31-01-2015 against the petitioners 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 petitioners have already filed an appeal before the third respondent on 09-03-2015 against the aforesaid notice dated 31-01-2015, which is pending consideration. It is further seen that along with the said appeal, the petitioners have also preferred an application for interim stay in view of the provisions of Section 80-A(3) of the Act.

4. 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 at the earliest, preferably within a period of two weeks, to avoid further complications.

5. Accordingly, we direct the third respondent to consider the petitioners' 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 V)

//True Copy//

Sub Assistant Registrar

glp

To

1. The Commissioner
Corporation of Chennai, Ripon Buildings
Chennai-600 003.
2. The Executive Engineer
Corporation of Chennai
O/o. Regional Deputy Commissioner (North)
Basin Bridge Road
Chennai-21.
3. The Secretary to Government
Government of Tamilnadu
Housing and Urban Development Department
Fort St. George, Chennai-600 009.

+1cc to Mr.L.ChandraKumar, Advocate, S.R.No.28528

+1cc to the Government Pleader, S.R.No.28763

UG(CO)
CA(23/06/2015)

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