

IN THE HIGH COURT OF JUDICATURE AT MADRAS

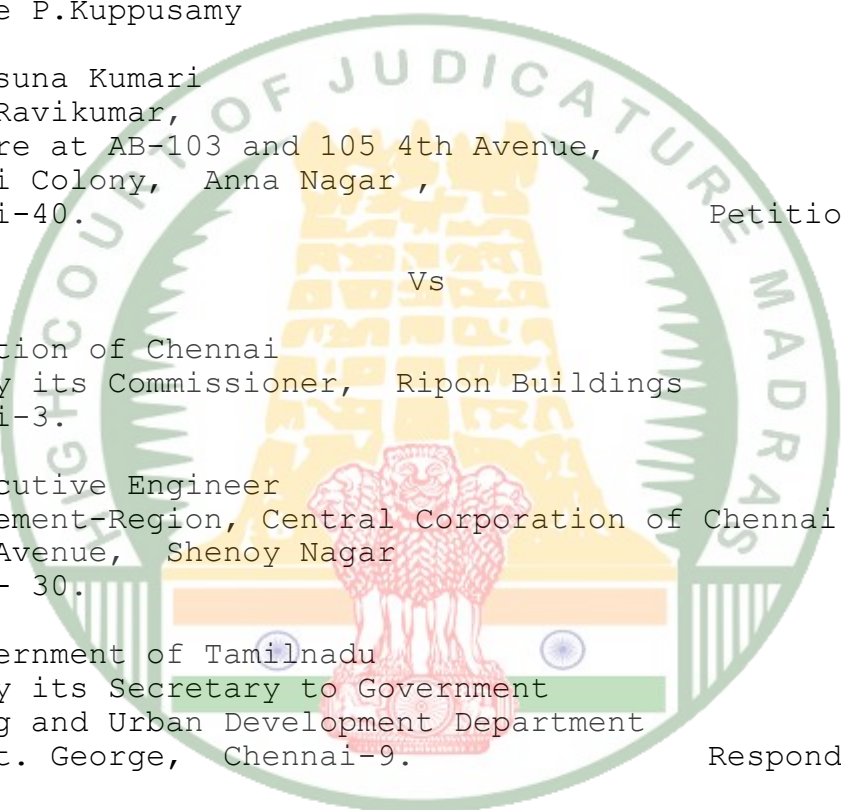
DATE:12-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.16721 of 2015 and M.P.No.1 of 2015

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- 1 P.Ravikumar
S/o.Late P.Kuppusamy
- 2 P.R.Prasuna Kumari
W/o.P.Ravikumar,
Both are at AB-103 and 105 4th Avenue,
Shanthi Colony, Anna Nagar ,
Chennai-40. Petitioners
- Vs
- 1 Corporation of Chennai
Rep. by its Commissioner, Ripon Buildings
Chennai-3.
- 2 The Executive Engineer
Enforcement-Region, Central Corporation of Chennai
Pulla Avenue, Shenoy Nagar
Chennai- 30.
- 3 The Government of Tamilnadu
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 herein from initiating any coercive action of Locking and Sealing under Town and Country Planning Act with regard to the building put up at AB -103 and AB-105 4th Avenue, Shanthi Colony , Anna Nagar, Chennai-40 till the disposal of the Appeal Petition dated 26-05-2015 submitted by the petitioners under Section 80A of the Town and Country Planning Act to the 3rd respondent herein

For petitioners :: Mr. R. Mohan

For respondents :: Mr. R. Arunmozhi, for RR1 & 2
Mr. P.S. Shivashanmuga Sundaram, Spl.G.P
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 12-05-2015 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 26-05-2015, against the aforesaid notice dated 12-05-2015, 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 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 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/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

glp

To

1 Commissioner
Corporation of Chennai, Ripon Buildings
Chennai-600 003.

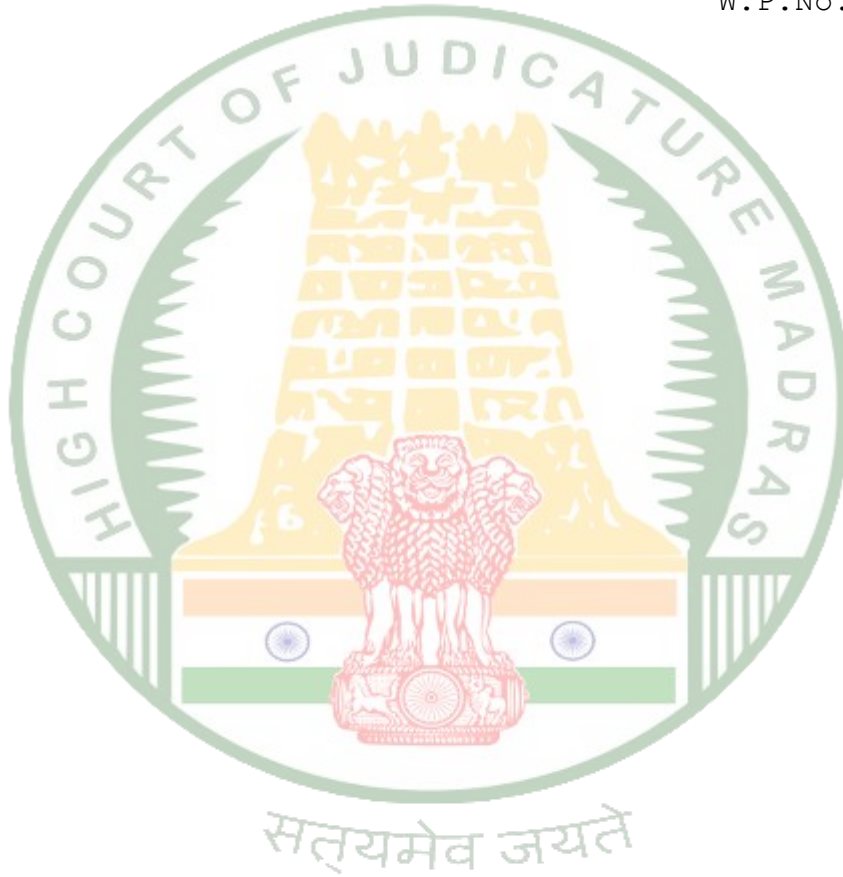
2 The Executive Engineer
Enforcement-Region, Central Corporation of Chennai
Pulla Avenue, Shenoy Nagar
Chennai- 30.

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

1 cc to Mr.R. Mohan, Advocate, Sr. 28529
1 cc to Government Pleader, Sr. 28761

W.P.No.16721 of 2015

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