

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2015

CORAM:

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

W.P. No.16791 of 2015
and
M.P. No.1 of 2015

1 Madanlal

2 Jawerilal

...Petitioners

Vs.

1 Government of Tamil Nadu
represented by the Secretary to Government
Housing and Urban Development Department
Secretariat,
Chennai 600 009

2 The Commissioner
Chennai Corporation
Ripon Buildings
Chennai 600 003

3 The Regional Deputy Commissioner
Chennai Corporation (North Zone)
62, Basin Bridge Road
Old Washermanpet
Chennai 600 021

4 The Executive Engineer - Zone V
Corporation of Chennai
Royapuram
Chennai

...Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 and 4 to forbear them from in any way interfering with the building at New Door No.41, Old Door No.20, Narayana Mudali Street, George Town, Chennai 600 079, particularly, by way of locking and sealing and demolition, pending final determination of the appeal dated 19.05.2015, pending with the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

For petitioners : Mr. B. Singaravelu

For R1 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For R2 to R4 : Ms. Kaarthika Ashok,
Standing Counsel

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Ms. Kaarthika Ashok, learned Standing Counsel, accepts notice for respondents 2 to 4. 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 This writ petition is filed seeking a writ of mandamus forbearing the respondents 2 and 4 from in any way interfering with the building at New Door No.41, Old Door No.20, Narayana Mudali Street, George Town, Chennai 600 079, particularly, by way of locking and sealing and demolition, pending final determination of the appeal dated 19.05.2015, pending with the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

3 From a perusal of the records, it transpires that the Chennai Corporation has issued locking, sealing and demolition notice dated 10.04.2015 against the petitioners under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). Thereagainst, the petitioners have already filed an appeal under Section 80-A of the Act before the first respondent-Government on 19.05.2015 challenging the aforesaid notice dated 10.04.2015, 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 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 three 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.

5 Accordingly, we direct the first respondent to consider the petitioners' 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 petitioners' 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.

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

Sd/-
Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

cad

To

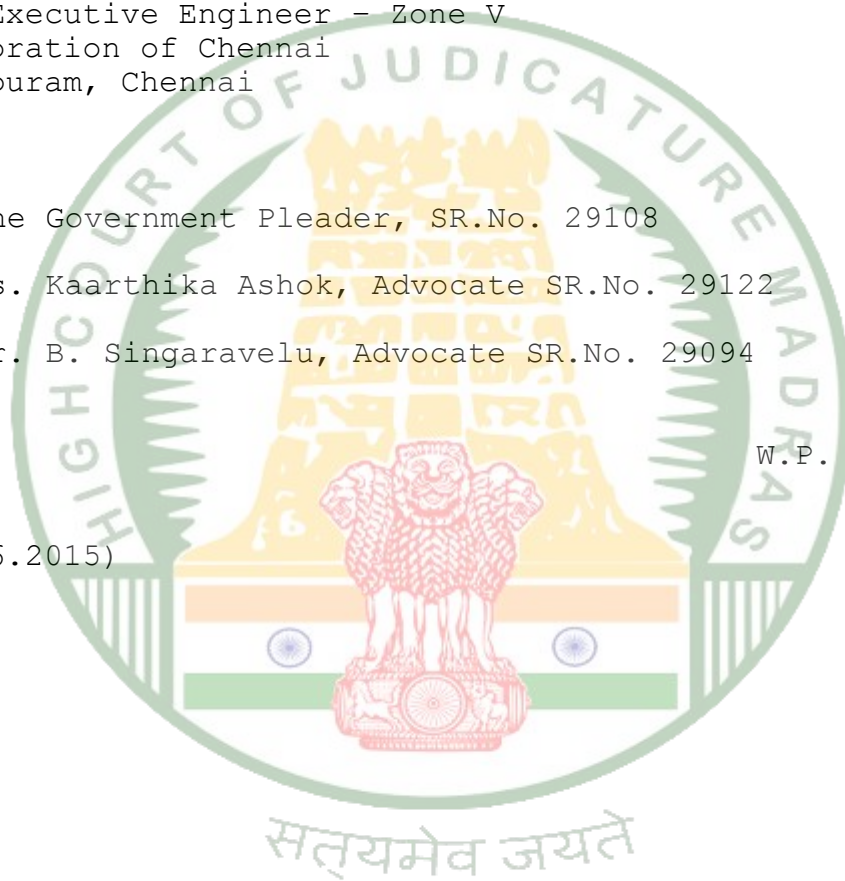
- 1 The Secretary to Government
Housing and Urban Development Department
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- 2 The Commissioner
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- 4 The Executive Engineer - Zone V
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- 1 CC to the Government Pleader, SR.No. 29108
- 1 CC to Ms. Kaarthika Ashok, Advocate SR.No. 29122
- 1 CC to Mr. B. Singaravelu, Advocate SR.No. 29094

W.P. No.16791 of 2015

SV-I (CO)
PSI (23.06.2015)



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