

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2015

CORAM:

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

W.P. No.17121 of 2015 and M.P. No.1 of 2015

1 A. Ravi Kumar Reddy  
2 A. Priyam Vada

Petitioners

Vs.

1 Corporation of Chennai  
represented by its Commissioner  
Ripon Buildings  
Chennai 600 003

2 The Executive Engineer  
Enforcement - Region (Central)  
Corporation of Chennai  
Pulla Avenue  
Shenoy Nagar, Chennai 600 030

3 The Government of Tamil Nadu  
represented by its Secretary to Government  
Housing and Urban Development Department  
Fort St. George, Chennai 600 009

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 1 and 2 herein from initiating any coercive action of locking and sealing under the Tamil Nadu Town and Country Planning Act, with regard to the building put up at AL-112 and 113, IV Avenue, Shanthi Colony, Anna Nagar, Chennai 600 040 till the disposal of the appeal petition submitted by the petitioners dated 28.05.2015 under Section 80-A of the Town and Country Planning Act to the third respondent.

For petitioners Mr. R. Mohan

For RR 1 & 2  
For R3

Mr. A. Nagarajan, Standing Counsel  
Mr. P.S. Sivashanmugasundaram  
Special Government Pleader

## ORDER

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

Mr. A. Nagarajan, learned Standing Counsel, accepts notice for respondents 1 and 2. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the third respondent. 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 1 and 2 from initiating any coercive action of locking and sealing under the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") with regard to the building put up at AL-112 and 113, IV Avenue, Shanthi Colony, Anna Nagar, Chennai 600 040 till the disposal of the appeal petition submitted by the petitioners dated 28.05.2015 under Section 80-A of the Act before the third respondent.

3 From a perusal of the records, it transpires that the Chennai Corporation has issued locking, sealing and demolition notice dated 12.05.2015 against the petitioners under Sections 56 and 57 read with Section 85 of the Act. Thereagainst, the petitioners have already filed an appeal under Section 80-A of the Act before the third respondent-Government on 28.05.2015 challenging the aforesaid notice dated 12.05.2015, 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 two 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 third 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/-  
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Commissioner  
Corporation of Chennai  
Ripon Buildings  
Chennai 600 003
  - 2 The Executive Engineer  
Enforcement - Region (Central)  
Corporation of Chennai  
Pulla Avenue  
Shenoy Nagar, Chennai 600 030
  - 3 The Secretary to Government  
Housing and Urban Development Department  
Government of Tamil Nadu  
Fort St. George, Chennai 600 009
- 1 cc to Government Pleader, Sr. 29770  
1 cc to Mr.R. Mohan, Advocate, sr. 29520

W.P. No.17121 of 2015

LRS (CO)  
kk 24/6

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