

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2015

CORAM:

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

W.P. No.18106 of 2015

and

M.P. No.1 of 2015

1.Dr. Madan Mohan Reddy
2.Dr. (Mrs.) Sameera Reddy

... Petitioners

Vs.

1. Government of Tamil Nadu
represented by the Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009
2. The Commissioner
Chennai Corporation
Ripon Buildings
Chennai 600 003
3. Corporation of Chennai
represented by its Executive Engineer
(Enforcement - Region Central)
II Cross Street (East)
Pulla Avenue
Shenoy Nagar
Chennai 600 030

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 and 3 to forbear them from in any way interfering with the premises bearing Door No.AH 37 and 39, Shanthi Colony, IV Avenue, Anna Nagar, Chennai 600 040, particularly, by way of locking and sealing and or demolition, pending final determination of the petitioners' appeal dated 30.05.2015 by the first respondent under Section 80-A and 80-A (3) of the Town and Country Planning Act, 1971.

For petitioners : Mr. D.S. Rajasekaran
For R1 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader
For RR 2 & 3 : Mr. A. Nagarajan, 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. Mr. A.Nagarajan, learned Standing Counsel, accepts notice for respondents 2 and 3. 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 3 from in any way interfering with the premises bearing Door No.AH 37 and 39, Shanthi Colony, IV Avenue, Anna Nagar, Chennai 600 040, particularly, by way of locking and sealing and or demolition, pending final determination of the petitioners' appeal dated 30.05.2015 by the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

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 first respondent-Government on 30.05.2015, 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 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
Government of Tamil Nadu
Fort St. George
Chennai 600 009
2. The Commissioner
Chennai Corporation
Ripon Buildings
Chennai 600 003
3. The Executive Engineer
Corporation of Chennai
(Enforcement - Region Central)
II Cross Street (East)
Pulla Avenue
Shenoy Nagar Chennai 600 030

+1cc to Mr.A.Nagarajan, Advocate, S.R.No.30825
+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.30828
+1cc to the Government Pleader, S.R.No.31052

W.P. No.18106 of 2015

SR(CO)
CA(03/07/2015)