

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2015

CORAM:

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

W.P. No. 18355 of 2015
and
M.P. No. 1 of 2015

M. Saravanan

... Petitioner

vs.

1. Government of Tamil Nadu,
rep. By its Secretary to the Government,
Housing and Urban Development Department,
Secretariat,
Chennai 600 009.
2. Corporation of Chennai,
rep. By its Commissioner,
Rippon Building, Chennai.3.
3. Corporation of Chennai,
rep. By its Executive Engineer,
(Enforcement - Region Central),
2nd Cross Street (East) Pulla Avenue,
Shenoy Nagar, Chennai.30.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 2 & 3 to forbear them from in anyway interfering with the premises bearing Flat No.G2 and G3 Saikrupa Apartments at Plot No.3 and 4 Kambar Street, Kumaran Nagar Extension, Padi, Chennai-50, particularly by way of demolition or locking and sealing pending final determination of the petitioner's Appeal dated 10.06.2015 by the 1st respondent under section 80(A) and 80(A)(3) of the Town and Country Planning Act 1971.

For petitioner : Dr. P. Vasudevan

For respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader - R1
Mr. A. Nagarajan - R2 & R3

ORDER

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

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the first respondent and Mr. A. Nagarajan, learned counsel accept notice for the 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. From a perusal of the records, it transpires that the third respondent- Corporation of Chennai, has issued locking, sealing and demolition notice dated 04.06.2015 against the petitioner under Sections 56 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). Thereagainst, the petitioner has already filed an appeal under Section 80-A of the Act before the first respondent-Government on 10.06.2015, challenging the aforesaid notice dated 04.06.2015, 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.

3. 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.

4. Accordingly, we direct the first respondent to consider the petitioner's 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 petitioner's 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.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.3.
3. The Executive Engineer,
Corporation of Chennai,
(Enforcement - Region Central),
2nd Cross Street (East) Pulla Avenue,
Shenoy Nagar, Chennai 30.

+1cc to Dr.P.Vasudevan, Advocate, S.R.No.31139
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.31348
+1cc to the Government Pleader, S.R.No.31324

BVR(CO)
CA(07/07/2015)

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