

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM:

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

W.P. No.18998 of 2015 and M.P. No.1 of 2015

K. Muthu

Petitioner

Vs.

1 The Corporation of Chennai
represented by its Commissioner
Ripon Building
Park Town, Chennai 600 003

2 The Executive Engineer
Enforcement - Region (Central)
Corporation of Chennai
II Cross Street
Shenoy Nagar
Chennai 600 030

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

Respondents

Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.19/35, Madhavaperumal Koil Street, Mylapore, Chennai - 4, pending determination of the appeal petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, dated 29.05.2015.

For petitioner Mr. R. Mohan

For RR 1 & 2 Mr. A. Nagarajan, Standing Counsel

For R3 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 mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.19/35, Madhavaperumal Koil Street, Mylapore, Chennai - 4, pending determination of the appeal petition dated 29.05.2015 submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "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 06.05.2015 against the petitioner under Sections 56 and 57 read with Section 85 of the Act. Thereagainst, the petitioner has already filed an appeal under Section 80-A of the Act before the third respondent-Government on 29.05.2015 challenging the aforesaid notice dated 06.05.2015, 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 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 third 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.

6 The writ petition stands disposed of, with the above direction and observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Commissioner
Corporation of Chennai
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3 The Secretary to Government
Housing and Urban Development
Government of Tamil Nadu
Fort St. George
Chennai 600 009

+1 cc to Mr.A.Nagarajan, Advocate, SR.32310

+1 cc to Government Pleader, SR.32347

+1 cc to Mr.R.Mohan, Advocate, SR.32113.

Ppa(co)
krd 6/7

W.P. No.18998 of 2015

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