

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.19035 of 2015

Vishal M. Ranka

Petitioner

Vs.

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009
- 2 The Chennai Metropolitan Development Authority
rep. by its Member Secretary
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008
- 3 The Corporation of Chennai
represented by its Commissioner
Ripon Building
Park Town, Chennai 600 003
- 4 The Executive Engineer
Corporation of Chennai
Zonal Office V
Division No.58
No.62, Basin Bridge Road
Old Washermanpet
Chennai 600 021

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider and pass orders on the petitioner's statutory appeal no.001/11724/2015 dated 11.06.2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and pending before the first respondent within a time frame.

For petitioner Mr. T. Dharani

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

For R2 Mr. C. Johnson, Standing Counsel

For RR3 & 4 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. C. Johnson, learned Standing Counsel, accepts notice for the second respondent. Mr. A. Nagarajan, learned Standing Counsel, accepts notice for respondents 3 and 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 directing the respondents to consider and pass orders on the petitioner's statutory appeal no.001/11724/2015 dated 11.06.2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") before the first respondent within a time frame.

3 From a perusal of the records, it transpires that the Chennai Metropolitan Development Authority has issued locking, sealing and demolition notice dated 29.01.2015 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 first respondent-Government on 11.06.2015 challenging the aforesaid notice dated 29.01.2015, 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 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 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.

6 The writ petition stands disposed of, with the above direction and observation. No costs.
cad

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to Government
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Chennai 600 021
- + 1 cc to M/s.C.Johnson, Advocate SR 32575
+ 1 cc to M/s.T.Dharani, Advocate SR 32183
+ 1 cc to M/s.Karthikaa Ashok, Advocate SR 32157
+ 1 cc to Govt.Pleader, High Court, Madras 104 SR 32348

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prk6/7

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