

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1/7/2015

C O R A M

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

W.P. No.19092 of 2015

Mrs.Jayalakshmi Babu

... Petitioner

Vs

1. The Secretary to Government  
Housing and Urban Development Department  
Secretariat  
Chennai 600 009.
2. Chennai Metropolitan Development Authority  
rep. By its Member Secretary  
No.1 Gandhi Irwin Road  
Egmore Chennai 600 008.
3. The Commissioner  
Vanagaram 1<sup>st</sup> Grade Panchayat  
Villivakkam Panchayat Union  
Tiruvallur District 600 095.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second and third respondents herein not to initiate any coercive action of locking and sealing with regard to the building put up at Plot No.42, Raja's Garden in S.no.203/1B, 204/1 of Vanagaram Village, Ambattur Taluk, Tiruvallur District till the disposal of the petitioner's appeal petition dated 29/4/2015 pending with the first respondent herein.

For petitioner : Mr.M.Raja Sekhar

For respondents : Mr.P.S.Sivashanmugasundram  
Special Government Pleader  
for R.1.  
Mr.C.Johnson for R.2.  
Mrs.Karthika Ashok for R.3.

## O R D E R

(Order of the Court was made by 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 and Mrs.Karthika Ashok 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 directing the second and third respondents not to initiate any coercive action of locking and sealing with regard to the building put up at Plot No.42, Raja's Garden in S.no.203/1B, 204/1 of Vanagaram Village, Ambattur Taluk, Tiruvallur District, pending final determination of the petitioner's appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") with the first respondent.

3. From a perusal of the records, it transpires that the third respondent, viz., the Commissioner, Villivakkam Panchayat Union, Tiruvallur District 600 095 has issued locking, sealing and demolition notice dated 24/4/2015 against the petitioner under Section 56 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 29/4/2015 challenging the aforesaid notice dated 24/4/2015, 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 nearly two months 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 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.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Secretary to Government  
Housing and Urban Development Department  
Secretariat  
Chennai 600 009.
2. The Member Secretary  
Chennai Metropolitan Development Authority  
No.1 Gandhi Irwin Road  
Egmore Chennai 600 008.
3. The Commissioner  
Vanagaram 1<sup>st</sup> Grade Panchayat  
Villivakkam Panchayat Union  
Tiruvallur District 600 095.

+lcc to Mr.M.Rajasekhar, Advocate, S.R.No.32377  
+lcc to Mrs.Karthikaa Ashok, Advocate, S.R.No.33193  
+lcc to Mr.C.Johnson, Advocate, S.R.No.32574  
+lcc to the Government Pleader, S.R.No.33000

W.P. No.19092 of 2015

EV(CO)  
CA(13/07/2015)