

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 19406 of 2015

and

M.P. No. 1 of 2015

Ram Kishore Soni ..Petitioner

vs.

- 1 The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai.3.
 2. The Executive Engineer,
O/o The Regional Joint Commissioner (Central),
Town Planning Enforcement,
Corporation of Chennai - Zone-VIII,
2nd Cross Street (East) Pulla Avenue,
Shenoy Nagar, Chennai.30.
 3. The State of Tamil Nadu,
rep. By its Secretary ,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the respondents 1 & 2 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at No. 823, 'G' Block, first Street, 11th Main Road, Anna Nagar, Chennai-40 under under Town and Country Planning Act till the disposal of the petitioner's Appeal dated 12.06.2015 by the 3rd respondent under section 80(A) and 80(A) (3) of the Town and Country Planning Act 1971.

For petitioner	: Mr. L. Chandrakumar
For respondents	: Mrs. Karthikaa Ashok - R1 & R2 Mr.P.S.Sivashanmugasundaram Spl. Govt. Pleader - R3

ORDER

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

Mrs. Karthikaa Ashok, learned counsel accepts notice on behalf of the respondents 1 and 2 and Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of 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 From a perusal of the records, it transpires that the second respondent- Corporation of Chennai, has issued locking, sealing and demolition notice dated 25.05.2015 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 third respondent-Government on 11.06.2015, challenging the aforesaid notice dated 25.05.2015, 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.

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 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai.3.
2. The Executive Engineer,
O/o The Regional Joint Commissioner (Central),
Town Planning Enforcement,
Corporation of Chennai - Zone-VIII,
2nd Cross Street (East) Pulla Avenue,
Shenoy Nagar, Chennai.30.
3. The State of Tamil Nadu,
rep. By its Secretary ,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009.

+1cc to Mr.L. Chandrakumar, Advocate, S.R.No.33085
+1cc to M/s. Karthikaa, Advocate, S.R.No.32738

SV(CO)
EU(23/07/2015)

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