

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3/7/2015

C O R A M

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

W.P. No.19612 of 2015
and
M.P. No.1 of 2015

1. Akshay

2. Deepak Kumar

...Petitioners

Vs

1. The Secretary to Government
Housing and Urban Development Department
Secretariate
Chennai 600 009.

2. The Corporation of Chennai
rep. By its Commissioner
Rippon Buildings
Chennai 600 003.

3. Corporation of Chennai
rep. By its Executive Engineer
Zone - V, Division 58
No.2 Adhikesavalu Street
Chintadripet
Chennai 2.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the second and third respondents from any way interfering with the petitioner's premises at New No.7/1, Old No.3/1, Church Lane (Ritherdon 3rd lane), Vepery, Chennai 600 007 particularly by way of locking and sealing and demolition/de-occupation pending final determination of the petitioners appeal dated 24/4/2015 under Section 80-A of the Town and Country Planning Act with first respondent herein.

For petitioners : Mr.P.Ramanathan

For respondents : Mr.P.S. Sivashanmugasundaram
Special Government Pleader
for R.1.

Mrs.Karthika Ashok
for R.R.2 and 3.

O R D E R

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mrs.Karthika Ashok accepts 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. This writ petition is filed seeking a writ of mandamus forbearing the second and third respondents from in any way interfering with the petitioner's premises at New No.7/1, Old No.3/1, Church Lane (Ritherdon 3rd lane), Vepery, Chennai 600 007, particularly, by way of locking and sealing and demolition/de-occupation pending final determination of the petitioners appeal dated 24/4/2015 under Section 80-A of the Town and Country Planning Act with first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3. From a perusal of the records, it transpires that the Chennai Corporation has issued locking, sealing and demolition notice dated 31/3/2015 against the petitioners under Sections 56 and 57 read with Section 85 of the Act. Thereagainst, the petitioners have already filed an appeal under Section 80-A of the Act before the first respondent-Government on 24/4/2015, challenging the aforesaid notice dated 31/3/2015, which is pending consideration. It is further seen that along with the said appeal, the petitioners have 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 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 petitioners' 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. Connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

mvs/cad.

To

1. The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009.
2. The Corporation of Chennai
rep. By its Commissioner
Rippon Buildings
Chennai 600 003.

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3. Corporation of Chennai
rep. By its Executive Engineer
Zone - V, Division 58
No.2 Adhikesavalu Street
Chintadripet
Chennai 2.

1 CC to Mr.P.Ramanathan, Advocate SR.No. 33401

1 CC to Mrs.Karthika Ashok, Advocate SR.No. 33185

W.P. No.19612 of 2015

JP (CO)
PSI (10.07.2015)



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