

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8/7/2015

C O R A M

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

W.P. No.20239 of 2015

and

M.P. No.1 of 2015

1. V. Anandan
 2. A. Usharani
- ...Petitioners

Vs.

1. The Corporation of Chennai
rep. By its Commissioner
Rippon Building
Chennai 600 003.
 2. The Executive Engineer
Enforcement - Regional Central
Corporation of Chennai
Pulla Avenue
Shenoy Nagar
Chennai 600 030.
 3. The Government of Tamil Nadu
rep. By its secretary to Government
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 and 2 from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old Flat No.45-C, New No.AC-145, 4th Avenue, Shanthi Colony, Anna Nagar, Chennai 600 040, pending determination of the appeal petition submitted by the petitioners under Sections 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 16/6/2015.

For petitioners... Mr. R.Mohan
For respondents... Mr.R.Arunmozhi
for R.R.1 and 2.
Mr. P.S. Sivashanmugasundaram
Special Government Pleader for R.3.

O R D E R

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

Mr.R.Arunmozhi accepts notice on behalf of the first and second respondents. 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 writ of mandamus forbearing the respondents 1 and 2 from in any way interfering with the building at Old Flat No.45-C, New No.AC-145, 4th Avenue, Shanthi Colony, Anna Nagar, Chennai 600 040, particularly, by way of locking and sealing and demolition, pending final determination of the appeal dated 16th June, 2015, pending with the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

3 From a perusal of the records, it transpires that the Chennai Corporation has issued locking, sealing and demolition notice dated 10th June, 2015 against the petitioners under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). Thereagainst, the petitioners have already filed an appeal under Section 80-A of the Act before the third respondent-Government on 16th June, 2015 challenging the aforesaid notice dated 10th June, 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 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 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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs/cad.

To

1. The Commissioner, Corporation of Chennai,
Rippon Building, Chennai-3.
2. The Executive Engineer
Enforcement - Regional Central
Corporation of Chennai
Pulla Avenue
Shenoy Nagar
Chennai 600 030.
3. The secretary to Government
Government of Tamil Nadu,
Housing and Urban Development Department
Fort St. George, Chennai 600 009.

+ 1 c to Mr. R. Mohan, Advocate, SR.34075
+ 1 cc to Mr.R. Arunmozhi, Advocate Sr.34197
+ 1 cc to Government Pleader Sr.34726
+1 cc to Government Pleader, sr.34720 (27/10/2015)

W.P. No.20239 of 2015

SV(CO)
EU 21.07.15

WEB COPY