

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10/7/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.20592 of 2015

and

M.P. No.1 of 2015

P. Bhuvaneshwari

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. By its Secretary to Government
Housing and Urban Development
Fort St. George
Chennai 600 009.
 2. Corporation of Chennai
rep. By its Commissioner
Rippon Buildings
Chennai 600 003.
 3. Corporation of Chennai
Regional office - Central
rep. By its Executive Engineer
(Enforcement - Region Central)
2nd Cross Street (East)
Pulla Avenue
Shenoy Nagar
Chennai 600 030.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second and third respondents to forbear them from in any way interfering with the petitioner's premises at Plot No.109, Door No.12/13 West main

Road, Gopal Reddy Colony, Chennai 600 082, by way of locking and sealing and demolition of the same pending final determination of the statutory appeal dated 29/5/2015 under Section 80 (A) and 80 (A) (3) of the Town and Country Planning Act, 1971 by the first respondent.

For petitioner ... Mr.D.S.Rajasekaran
for Mr.D.Jagadeesan

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

Mr.A.Nagarajan
for R.R.2 and 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, takes notice for the first respondent and Mr.A.Nagarajan takes 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 respondents 2 and 3 from in any way interfering with the petitioner's premises at Plot No.109, Door No.12/13 West main Road, Gopal Reddy Colony, Chennai 600 082, by way of locking and sealing and demolition of the same pending final determination of the statutory appeal dated 29/5/2015 under Section 80 (A) and 80 (A) (3) of the Town and Country Planning Act, 1971 by the first respondent.

3 From a perusal of the records, it transpires that the Chennai Corporation has issued locking, sealing and demolition notice dated 30th April, 2015 against the petitioner under Sections 56 and 57 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 first respondent-Government on 29th May, 2015 challenging the aforesaid notice dated 30th April, 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 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/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

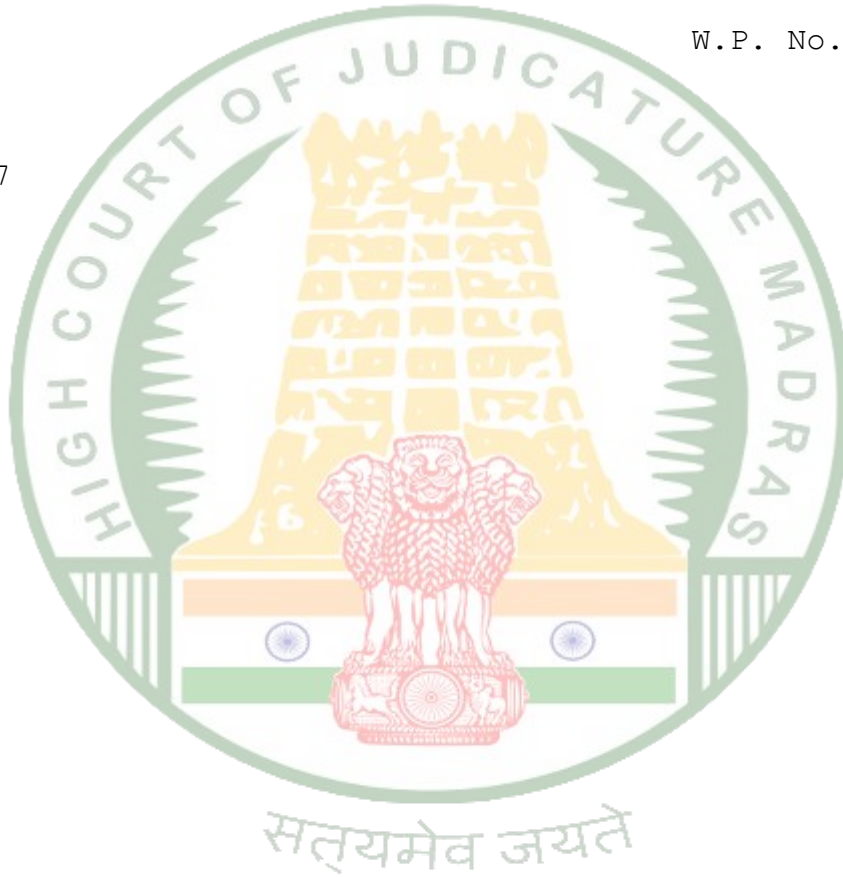
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+1cc to Mr. D.Jagadeesan Advocate sr.no. 34925.
+1cc to Government Pleader sr.no.35162.
+1cc to Mr.A. Nagarajan Advocate sr.no.34937.

W.P. No.20592 of 2015

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