

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-7-2015

CORAM:

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

W.P. No.22681 of 2015
M.P.No.1 of 2015

1. Shailesh G. Dhakan
2. Gunvant G. Dhakan
3. Naresh Chand .. Petitioners

Vs.

1. The Executive Engineer (Enforcement),
Office of the Regional Deputy Commissioner (North),
Corporation of Chennai,
61, Basin Bridge Road,
Chennai - 600 021.
2. Chennai Metropolitan Development Authority,
rep.by its Member Secretary,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.
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 praying this Court to issue 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 43/69, Elephant Gate Street, Sowcarpet, Chennai - 600 079, pending determination of the revision petition submitted by the petitioners under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971, dated 7.7.2015.

For Petitioner : Mr.R.Mohan
For 1st Respondent : Mrs.Karthika Ashok
For 2nd Respondent : Mr.C.Johnson
For 3rd Respondent : Mr.N.Sakthivel

O R D E R

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

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The first respondent herein has issued locking, sealing and demolition notice dated 20th April, 2015 against the petitioners under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3. From a perusal of the records, it is seen that the petitioners have already preferred an appeal before the third respondent herein on 7th July, 2015, against the said notice dated 20th April, 2015, which is pending consideration. It is further seen that along with the said appeal, the petitioners have also filed an application for interim stay in terms of the provisions of Section 80-A(3) of the Act.

4. Without going into the merits of the case, we are of the considered view that if the 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 today and also to consider the appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. There shall be an order of status-quo as on today for a period of two weeks.

With the above directions, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vr

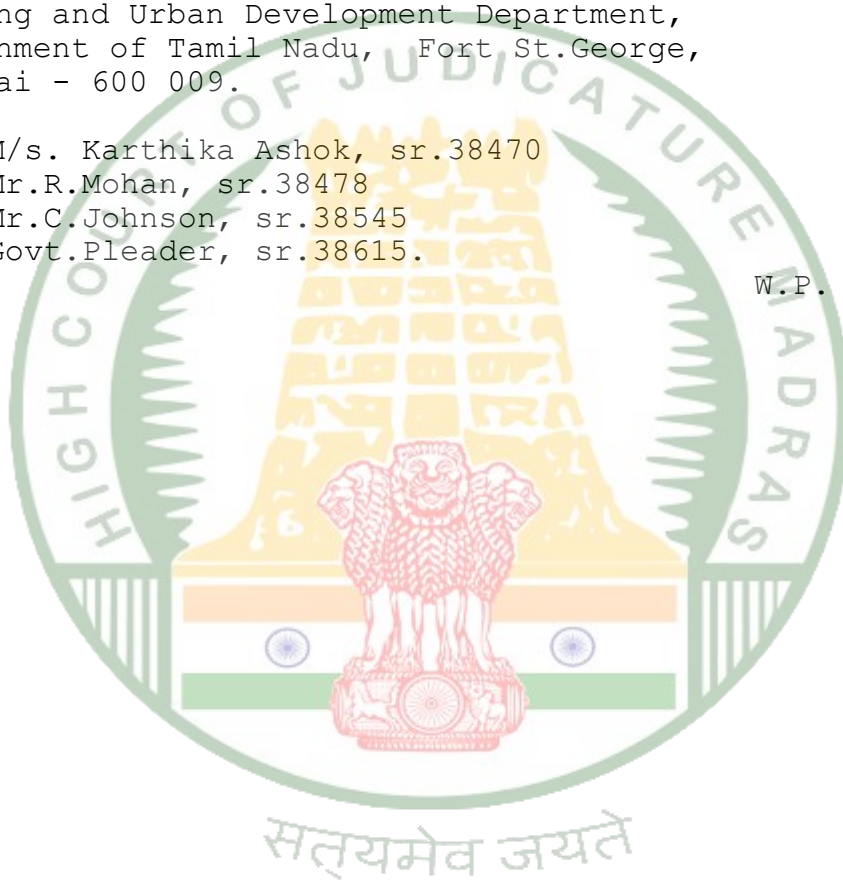
To

1. The Executive Engineer (Enforcement),
Office of the Regional Deputy Commissioner (North),
Corporation of Chennai, 61,
Basin Bridge Road, Chennai - 600 021.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore, Chennai - 600 008.
3. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu, Fort St.George,
Chennai - 600 009.

+1 cc to M/s. Karthika Ashok, sr.38470
+1 cc to Mr.R.Mohan, sr.38478
+1 cc to Mr.C.Johnson, sr.38545
+1 cc to Govt.Pleader, sr.38615.

W.P. No.22681 of 2015

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