

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.22851 of 2015 & M.P.No.1 of 2015
W.P. No.22852 of 2015 & M.P.No.1 of 2015

M/s.Sri Muthukumaran Educational Trust,
Mangadu Public School,
rep.by its Managing Trustee R.Gomathi,
New No.61, Old No.641, Ramasamy Salai,
K.K.Nagar,
Chennai - 600 078. .. Petitioner in both writ petitions

Vs.

1. The Government of Tamil Nadu,
rep,by its Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008. .. Respondents in both writ petitions

Prayer in W.P.No.22851/2015: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus forbearing the 2nd respondent from in any way interfering with the premises at Survey No.287/1, Chikkarayapuram Village and Survey No.286, Mangadu Village, particularly by way of locking and sealing and or demolition, pending final determination of petitioner's appeal petition dated 23.6.2015 pending before the first respondent under Section 80A & 80A(3) of the Tamil Nadu Town and Country Planning Act, 1971.

Prayer in W.P.No.22852/2015: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus forbearing the 2nd respondent from in any way interfering

with the premises at Survey No.287/1, Chikkarayapuram Village, particularly by way of locking and sealing and or demolition, pending final determination of petitioner's appeal petition dated 23.6.2015 pending before the first respondent under Section 80A & 80A(3) of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.D.S.Rajasekaran

For 1st Respondent : Mr.N.Sakthivel, Government Advocate

For 2nd Respondent : Mr.C.Johnson

C O M M O N 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 petitions are taken up for final disposal at the admission stage itself.

2. The second respondent herein has issued locking, sealing and demolition notices dated 22nd May, 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").

3. From a perusal of the records, it is seen that the petitioner has already preferred an appeal before the first respondent herein on 23rd June, 2015, against the said notice dated 22nd May, 2015, which is pending consideration. It is further seen that along with the said appeal, the petitioner has 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 first respondent to consider the petitioner's 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 petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vr

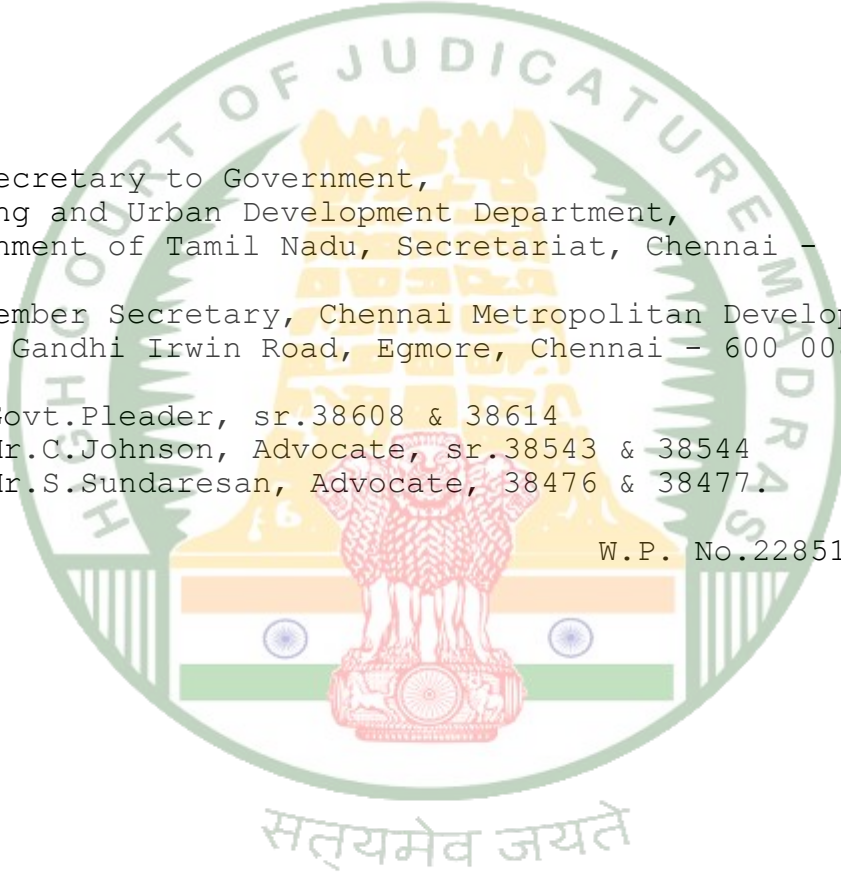
To

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu, Secretariat, Chennai - 600 009.
2. The Member Secretary, Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore, Chennai - 600 008.

+2 cc to Govt.Pleader, sr.38608 & 38614
+2 cc to Mr.C.Johnson, Advocate, sr.38543 & 38544
+2 cc to Mr.S.Sundaresan, Advocate, 38476 & 38477.

W.P. No.22851 & 22852 of 2015

svi(co)
kra(11/08)



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