

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.7.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

Writ Petition No.23280 of 2015
and
M.P.No.1 of 2015

M/s.Meenakshi Ammal Trust,
rep.by its Director
R.Gomathi

...Petitioner

Vs.

1. The Government of Tamil Nadu,
rep.by its Secretary to Government,
Housing & Urban Development
Department, Secretariat, Chennai-9.
2. The Member Secretary, Chennai
Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Chennai-8.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the second respondent from in any way interfering with the petitioner's premises constructed at T.S.No.4/1, Block No.39, Virugambakkam Village, New No.12, Old No.18, Vembuliamman Koil Street, Virugambakkam, Chennai particularly by way of locking and sealing and or demolition pending final determination of the petitioner's appeal petition dated 15.6.2015 pending before the first respondent under Sections 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971.

For Petitioner : Mr.S.Sundaresan
For Respondent-1 : Mr.N.Sakthivel, GA
For Respondent-2 : Mr.C.Johnson

(Order of the Court was made by V.RAMASUBRAMANIAN,J)

The petitioner has come up with the above writ petition seeking to forbear the second respondent - Chennai Metropolitan Development Authority from locking and sealing as well as demolition of the petitioner's premises pending disposal of the appeal before the first respondent.

2. Heard Mr.S.Sundaresan, learned counsel for the petitioner. Mr.N. Sakthivel, learned Government Advocate, takes notice for the first respondent. Mr.C.Johnson, learned counsel takes notice for the second respondent.

3. From a perusal of the records, it transpires that the second respondent has issued locking, sealing and demolition notice dated 12.6.2015 against the petitioner under Sections 56 and 57 read with Section 85 of the Act. As against the same, the petitioner has already filed an appeal under Section 80-A of the Act before the first respondent on 15.6.2015, 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 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 first respondent to consider the petitioner's 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 petitioner's 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 on 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 (CS-V)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Secretary to Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Chennai-9.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Chennai-8.

1 CC to Mr.S.Sundaresan, Advocate SR.No. 390288

1 CC to Mr.C.Johnson, Advocate SR.No. 39338

1 CC to the Government Pleader, SR.No. 39425

W.P.No.23280 of 2015
and M.P.No.1 of 2015

CTK (CO)

PSI (13.08.2015)