IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/8/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.23805 of 2015

K. Prabhu ...Petitioner

Vs

1. Government of Tamil Nadu
rep. By its Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009.

2. Corporation of Chennai
rep. By its Regional Deputy Commissioner (South)
(Enforcement Cell)
Adyar
Chennai 600 020.

3. The Executive Engineer (South)
Enforcement Cell
Corporation of Chennai
Adyar
Chennai 600 020. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second and third respondents to forbear them from in anyway interfering with the petitioner's premises at Plot No.448, 7th Cross Street, Sree Kabaleeswarar Nagar, Chennai 115, particularly by way of locking and sealing or demolition of the same pending final determination of the statutory appeal dated 24/7/2015 by the first respondent under Section 80 (A) and 80 (A) (3) of the Town and Country Planning Act, 1971.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

For petitioner : Mr.D.S.Rajasekaran

For respondents : Mr.I.S.Inbadurai
Special Government Pleader
for R.1.

Mr.R.Arunmozhi
for R.R.2 and 3.

O R D E R

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

Mr.I.S.Inbadurai, learned Special Government Pleader, accepts notice for the first respondent and Mr. R.Arunmozhi, learned Standing Counsel, accepts notice for the second and third respondents. 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 directing the second and third respondents to forbear them from in anyway interfering with the petitioner's premises at Plot No.448, 7th Cross Street, Sree Kabaleeswarar Nagar, Chennai 115, particularly by way of locking and sealing or demolition of the same pending final determination of the statutory appeal dated 24th July , 2015 by the first respondent under Section 80 (A) and 80 (A) (3) of the Town and Country Planning Act, 1971 (for short "the Act").

3. From a perusal of the records, it transpires that the third respondent, viz., the Executive Engineer (South), Corporation of Chennai, Adyar, Chennai 600 020 has issued locking, sealing and demolition notice dated 23rd July, 2015 against the petitioner under Section 56 Sub-Section 2 (A) and 57 r/w. Section 85 of the Act. Thereagainst, the petitioner has already filed an appeal under Section 80-A of the Act before the first respondent-Government on 24th July, 2015, challenging the aforesaid notice dated 24th July,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. In view of the above, 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 petitioners'

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

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.

5. The writ petition stands disposed of, with the above direction and observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Secretariat, Chennai 600 009.

2. The Corporation of Chennai,
The Regional Deputy Commissioner (South),
Enforcement Cell, Adyar, Chennai - 20.

3. The Executive Engineer (South),
Enforcement Cell,
Corporation of Chennai,
Adyar, Chennai- 20.

1 CC to Mr.D.S.Rajasekaran, Advocate SR.No. 40332

1 CC to Ms.R.Arunmozhi, Advocate SR.No. 40636

1 CC to the Government Pleader, SR.No. 40369

W.P. No.23805 of 2015

SVI (CO)
PSI (17.08.2015)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/