

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015

CORAM:

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

W.P. No.23870 of 2015

Dr.P.L. Prakash

Petitioner

Vs.

1 The Secretary to Government
Housing and Urban Development Department
Fort St. George, Secretariat,
Chennai 600 009

2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the second respondent from locking, sealing and demolition of the petitioner building comprised in Door No.29, Subramanian Koil I Street, Zamin Pallavaram, Chennai 600 043 in pursuance of locking and sealing notice dated 24.06.2015 in Letter No.Ec/S-I/5389/2015 during the pendency of appeal preferred on the file of the first respondent dated 15.07.2015.

For petitioner Mr. V. Lakshmi Narayanan
for M/s. B. Vijay

For R1 Mr. I.S. Inbadurai
Special Government Pleader

For R2 Mr. C. Johnson, Standing Counsel

ORDER

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

Mr. I.S. Inbadurai, learned Special Government Pleader, accepts notice for the first respondent. Mr. C. Johnson, learned Standing Counsel, accepts notice for the second respondent. 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 second respondent from locking, sealing and demolition of the petitioner's building comprised in Door No.29, Subramanian Koil I Street, Zamin Pallavaram, Chennai-43 in pursuance of locking, sealing and demolition notice dated 24.06.2015 in Letter No.Ec/S-I/5389/2015, during the pendency of appeal dated 15.07.2015 preferred on the file of the first respondent.

3 From a perusal of the records, it transpires that the Chennai Metropolitan Development Authority has issued locking, sealing and demolition notice dated 24.06.2015 against the petitioner under Sections 56 and 57 read with Section 85 of the Act. Thereagainst, the petitioner has filed an appeal under Section 80-A of the Act before the first respondent-Government on 15.07.2015 challenging the aforesaid notice dated 24.06.2015, 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 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.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

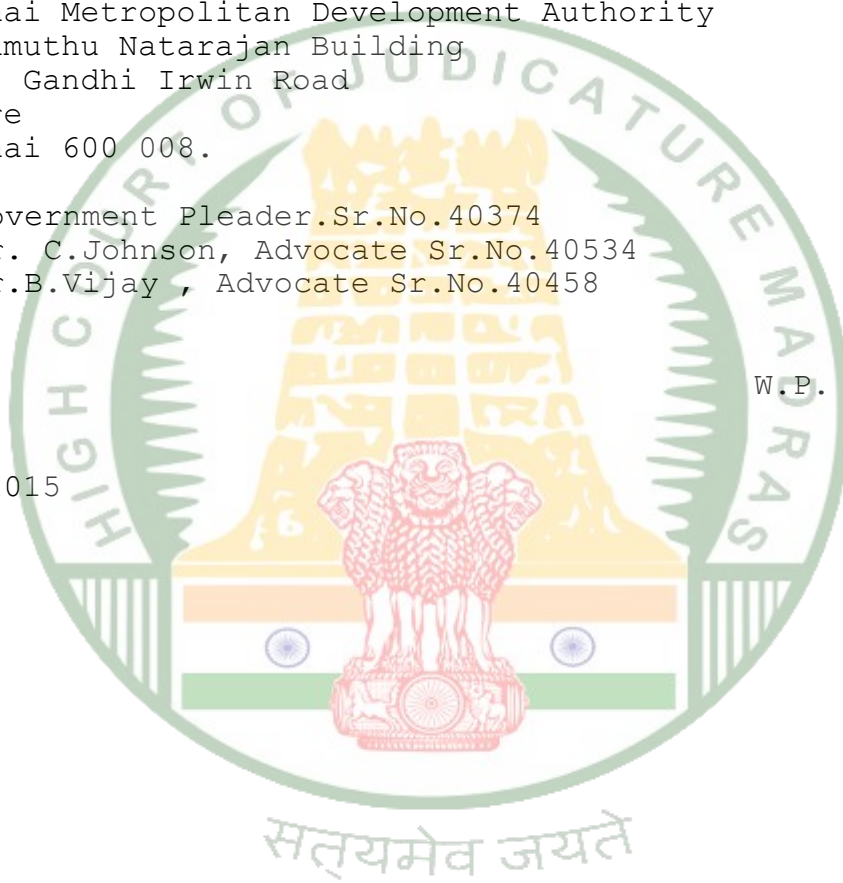
cad

To

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George, Secretariat,
Chennai 600 009
 - 2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008.
- 1 cc to Government Pleader.Sr.No.40374
1 cc to Mr. C.Johnson, Advocate Sr.No.40534
1 cc to Mr.B.Vijay , Advocate Sr.No.40458

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