

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12/8/2015

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.24758 of 2015
a n d
M.P.No.1 of 2015

M/s. Sree Venkateswara Jewellers
rep. By its Partner
N.S.Suresh
Chennai 600 079.

... Petitioner

Vs

1. The Secretary to the Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
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 to direct the second respondent to forbear them from in any way interfering with the petitioner's building in New Door No.119, Old No.58 Armenian Street, George Town, Chennai 1 particularly by way of locking, sealing and demolition in pursuance of the Notice in Letter No.EC/EA/N-I/2622/2015 dated 8/6/2015, during the pendency of petitioner's appeal dated 22/6/2015 on the file of the first respondent.

For petitioner : Mr.S.Santhosh

For respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R.1.

Mr.C.Johnson for R.2.

O R D E R

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

Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the first respondent. Mr.C.Johnson accepts notice on behalf of the second respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. By this petition, the petitioner seeks a direction to the second respondent to forbear them from in any way interfering with the petitioner's building in New Door No.119, Old No.58 Armenian Street, George Town, Chennai 1, particularly by way of locking, sealing and demolition in pursuance of the Notice in Letter No.EC/EA/N-I/2622/2015 dated 8/6/2015, during the pendency of petitioner's appeal dated 22/6/2015 on the file of the first respondent.

3. According to the learned counsel for the petitioner, against the impugned Locking and Sealing Notice dated 8th June, 2015, a statutory appeal, under Section 80 A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"), was preferred before the State Government/Appellate Authority. Along with the said appeal, an application for grant of interim relief was also filed on 22nd June, 2015. It is further contended that in a catena of judgments, this Court has observed that if an application for interim relief is filed, the authorities are expected to consider the application for interim relief, within a period of two weeks from the date of filing of the application and the appeal may be considered within a statutory period, prescribed under the provisions of Law. More than two weeks have elapsed from the date of filing of the appeal along with application for interim stay. However, no decision has been taken till date and the authorities are proceeding with the consequential action pursuant to the notice dated 8th June, 2015.

4. The learned counsel appearing for the first respondent submits that the interim application of the petitioner shall be considered and decided on merit within a period of two weeks from today.

5. Accordingly, we direct the Appellate Authority/first respondent to consider the petitioner's application for interim relief as early as possible, preferably, within a period of two weeks from today, i.e., 12th August, 2015 and also to consider the petitioner's appeal within the statutory period prescribed under the provisions of law, on its own merit and in accordance with law. There shall be status quo as obtained today in respect of the property in question for a period of two weeks.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs/vvk

To

1. The Secretary to the Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Egmore, Chennai 600 008.

+1cc to Mr.C.Johnson, Advocate, S.R.No.41933
+1cc to Mr.S.Santhosh, Advocate, S.R.No.42294
+1cc to the Government Pleader, S.R.No.42457

W.P. No.24758 of 2015

GGK(CO)
CA(21/09/2015)