

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13/8/2015

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.25037 of 2015

K. Ravikumar

...Petitioner

Vs

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009.
2. The Executive Engineer
(Enforcement - Region Central)
Corporation of Chennai
Regional office Central
2nd Cross Street (East)
Pulla Avenue
Shenoy Nagar
Chennai 600 030.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records connected with the Notice issued in No.REGIONCENTRAL/TPENF/0902/2015 dated 10.07.2015 passed by the second respondent and quash the same.

For petitioner : Mr.S.Ilamvaludhi
For R1 : Mr.I.S.Inbadurai,
Special Government Pleader
For R2 : Mr. R. Arunmozhi

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 on behalf of the first 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. Challenge in this writ petition is to the locking, sealing and demolition notice dated 10.07.2015 issued by the second respondent against the petitioner's mother/tenant.

3. After issuance of the impugned notice dated 10.07.2015, the petitioner has preferred an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") on 24.07.2015. Along with the said memo of appeal, an application, as is evident from a perusal of the records, under Section 80-A(3) of the Act for interim relief has been filed.

4. In a catena of decisions, we have observed that in the event, an application for interim relief is filed along with the appeal, the same be considered and decided on its own merits and in accordance with law, within a period of two weeks to avoid further complications in the matter. It appears that more than two weeks have elapsed, but, no order has been passed in the said application, as on date. 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.

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. The Appellate Authority is at liberty to consider the issue of limitation also, while examining the petitioner's appeal.

6. The writ petition stands disposed of accordingly. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

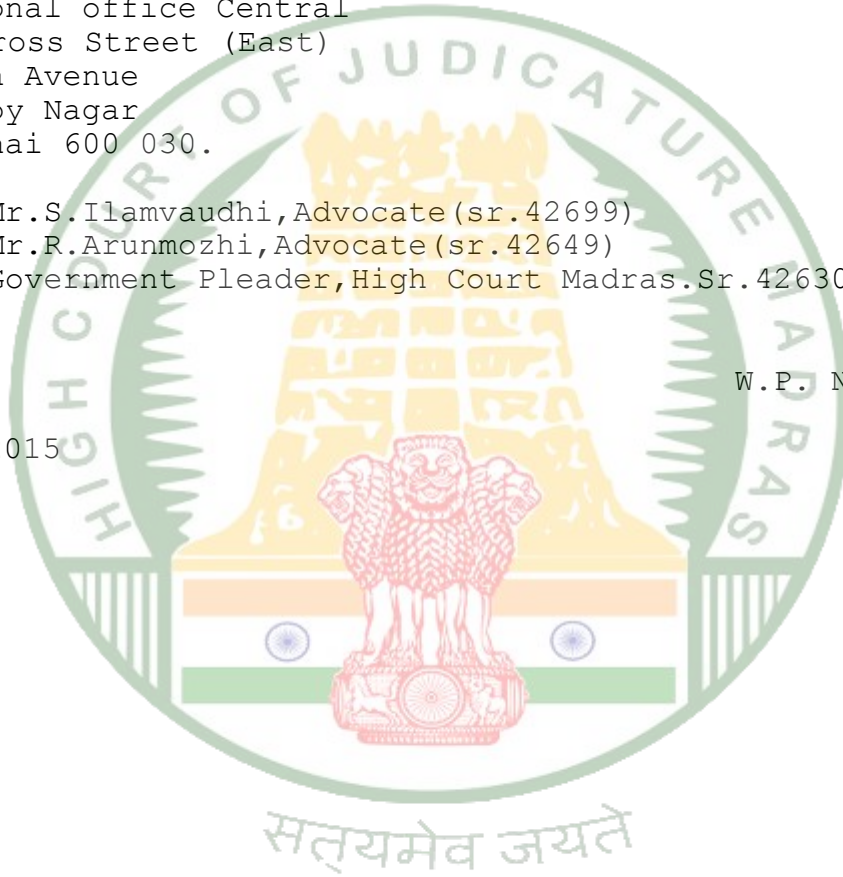
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To

1. The Secretary to Government
Housing and Urban Development Department
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Chennai 600 009.
 2. The Executive Engineer
(Enforcement - Region Central)
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Pulla Avenue
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Chennai 600 030.
- +1 cc to Mr.S.Ilamvaudhi,Advocate (sr.42699)
+1 cc to Mr.R.Arunmozhi,Advocate (sr.42649)
+1 cc to Government Pleader,High Court Madras.Sr.42630

PUR(co)
cp 25/09/2015

W.P. No.25037 of 2015



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