

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM:

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

W.P. No. 25557 of 2015
and
M.P. Nos. 1 and 2 of 2015

P. Jyothsna

.... Petitioner

vs

1. The Government of Tamil Nadu,
rep. By the Secretary,
Housing and Urban Development,
Fort St. George,
Chennai 600 009.
2. The Chennai Metropolitan
Development Authority
rep. by its Member Secretary,
Talamuthu Natarajan Building,
No. 1 Gandhi Irwin Road,
Egmore Chennai-8
- 3 St. Thomas Panchayat Union,
rep. by its Chairman,
Chitlapakkam Chennai- 64.
- 4 Kovilampakkam Panchayat
rep. by its President, Kovilambakkam,
Chennai 600 129.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st respondent to dispose of the petitioner's two Appeal Petitions both dated 18.6.2014 under ref. C.No.10881/UD-VI(1)/2014-2 and C.No.21885/UD-VI(1)/2014-2 in respect of the property situate at Plot Nos.1, 2, 3 and 4 comprised in Survey Nos.119/1, 2, 121/1A, 1B, 2A, 2B (as per document) Survey No.119/1A3 (as per patta) Syndicate Bank Colony, Kovilambakkam, Pallavaram OMR Radial Road, Chennai -600 117 Sholinganallur Taluk, St. Thomas Mount Panchayat Union within a period stipulated by this court.

For petitioner : Mr. R. Thiagarajan
For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1
Mr. C. Johnson - R2
Mr. N. Srinivasan - R3 & R4

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader accepts notice for the first respondent, Mr. C. Johnson, learned counsel accepts notice for the second respondent and Mr. N. Srinivasan, learned counsel accepts notice for the respondents 3 and 4. 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 From a perusal of the records, it transpires that the petitioner has submitted a revised plan on 03.01.2014 and 06.01.2014 respectively for two constructions and the second respondent, vide its communication dated 11.04.2014, has refused to grant permission for regularisation of the said constructions. Thereagainst, the petitioner has filed an appeal under Section 79 of the Tamil Nadu Town and Country Planning Act (for short "the Act") before the first respondent-Government on 18.06.2014, challenging the aforesaid rejection order dated 11.04.2014, 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 79 (5) of the Act.

3 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 eight 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.

4 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.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development,
Fort St. George,
Chennai 600 009.

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

3 The Chairman,
St. Thomas Panchayat Union,
Chitlapakkam Chennai- 64.

4 The President,
Kovilampakkam Panchayat
Kovilambakkam,
Chennai 600 129.

1 cc to Mr. C.Johnson, Advocate Sr.No.43331

1 cc to Mr. R. Thiagarajan, Advocate Sr.No.43656

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