

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

CORAM:

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

W.P. No. 25921 of 2015

.....

N. Nagadevi

.... Petitioner

vs.

1. Government of Tamil Nadu,
rep. By its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai.9.
2. Corporation of Chennai,
rep. By its
Regional Deputy Commissioner(North),
No.61 Basinbridge Salai,
Chennai.21.
3. The Executive Engineer (Enforcement),
Office of the Regional Deputy Commissioner(North),
No.61 Basinbridge Salai,
Chennai.21.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the petitioner's premises at New Door No.16 & 14, Old No.57/1 & 57/2, Kandappa Street, Chennai-1, Particularly by way of locking and sealing and demolition pending final determination of the petitioner's Appeal dated 03.08.2015 under Section 80(A) of the Town and Country Planning Act 1971 , by the 1st Respondent.

For petitioner : Mr. D.S.Rajasekaran
For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1
Mrs. Karthikaa Ashok - R2

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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 and Mrs. Karthikaa Ashok, learned 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 From a perusal of the records, it transpires that the third respondent has issued locking, sealing and demolition notice dated 03.07.2015 against the petitioner under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). Thereagainst, the petitioner has already filed an appeal under Section 80-A of the Act before the first respondent-Government on 03.08.2015, challenging the aforesaid notice dated 03.07.2015, 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.

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 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.

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 from today, i.e., 20th August, 2015, 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 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai.9.
2. Regional Deputy Commissioner (North),
Corporation of Chennai,
No.61 Basinbridge Salai,
Chennai.21.
3. The Executive Engineer (Enforcement),
Office of the Regional Deputy Commissioner (North),
No.61 Basinbridge Salai,
Chennai.21.

+1 cc to Mr.D.S.Rajasekaran, Advocate sr.44206
+1 cc to Mrs.Karthikaa Ashok, Advocate sr.44289
+1 cc to the Government Pleader sr.44476

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