IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2015

CORAM:

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

W.P. No. 26623 of 2015

T.R.Karpagam .... Petitioner

vs.

1. Corporation of Chennai,
rep. By its Commissioner,
Ripon Buildings,
Chennai.600 009.

2. The Executive Engineer,
Enforcement - Region Central,
Corporation of Chennai,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

3. Government of Tamil Nadu,
rep. By its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai.9. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the respondents 1 and 2 or anybody acting on their behalf from initiating any action of locking and sealing and demolition of the Petitioner's building put up at AJ-1 , 4th Avenue, Shanthi Colony, Anna Nagar, Chennai-40 till the disposal of petitioner's Revision petition dated 29.05.2015 submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act with the Government /3rd respondent herein.

For petitioner : Mr. D.S.Rajasekaran

For respondents : Mr. V.C. Selvasekaran - R1 & R2

Mr. N. Sakthivel- R3

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ORDER

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

Mr. V.C. Selvasekaran, learned counsel accepts notice for the respondents 1 and 2. Mr. N. Sakthivel, learned Government Advocate accepts notice for the third respondent and 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 second respondent has issued locking, sealing and demolition notice dated 12.05.2015 against the petitioner under Sections 56 and 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 third respondent-Government on 29.05.2015, challenging the aforesaid notice dated 12.05.2015, 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 nearly three months 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 third 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., 26th August, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

ra

Note: Registry is directed to mark a copy of this order to the Appellate Authority forthwith.

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai.600 009.

2. The Executive Engineer,
Enforcement - Region Central,
Corporation of Chennai,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

3. Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai.9.

1 cc to Mr.D.S.Rajasekaran , Advocate Sr.No.45321

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