

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

CORAM:

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

W.P. No.26850 of 2015
and
M.P. No.1 of 2015

J. Rajasingh

... Petitioner

vs.

1. The Secretary to the Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009
2. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
3. The Executive Engineer
TP Enforcement Region Central
Corporation of Chennai
II Cross Street
Pulla Avenue
Shenoy Nagar
Chennai 600 030
4. The Assistant Executive Engineer
Unit- 30 Corporation of Chennai
No.2/12, West Jones Road
Saidapet, Chennai 600 015
5. The Assistant Engineer
Division No.142
Corporation of Chennai
No.2/12 West Jones Road
Saidapet, Chennai 600 015

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of (i) locking and sealing and demolition notice No.Region/Central/TPENF/0477/2015 dated 11.05.2015 and (ii) de-occupation notice No.Region Central/TPENF/0477/2015 dated 16.06.2015 issued by respondents 3 to 5 and quash the same, pending disposal of the revision dated 21.08.2015 filed by the petitioner before the first respondent.

For petitioner : Mr. D. Kumar

For R1 : Mrs. A. Srijayanthi
Special Government Pleader

For RR 2-5 : Mr. V.C. Selvasekaran

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 2 to 5. 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. This writ petition is filed assailing the locking, sealing and demolition notice dated 11.05.2015 and de-occupation notice 16.06.2015 issued by Chennai Corporation, pending disposal of the revision dated 21.08.2015 filed by the petitioner before the first respondent.

3. From a perusal of the records, it transpires that the Chennai Corporation has issued locking, sealing and demolition notice and de-occupation notice dated 11.05.2015 and 16.06.2015 respectively 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 filed a revision under Section 80-A of the Act before the first respondent-Government on 21.08.2015, which is pending consideration. It is further seen that along with the said revision, the petitioner has also preferred an application for interim stay, in view of the provisions of Section 80-A(3) of the Act.

4. Inasmuch as the petitioner has preferred a revision against the notices under challenge in this writ petition, we are not inclined to interfere with the same, at this stage. Therefore, without going into the merits of the case, we are of the considered view that if a revision 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.

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 and also to consider the petitioner's revision 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., 28th August, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties. The revisional authority is at liberty to consider the issue of limitation also, while examining the petitioner's revision.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cad

To

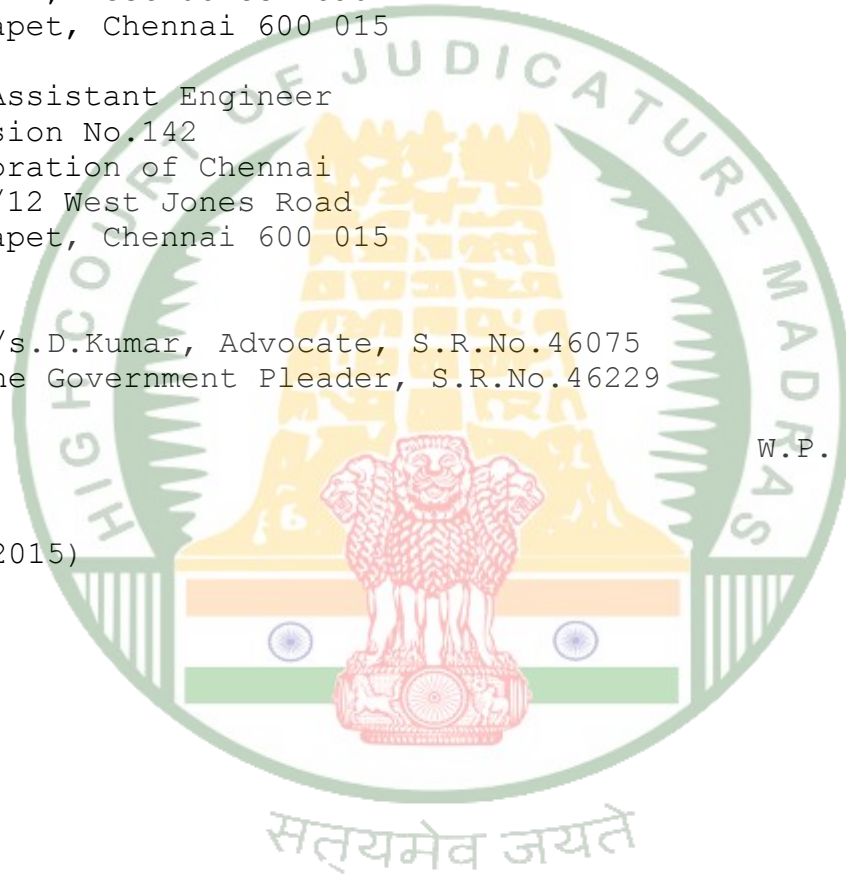
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+1cc to M/s.D.Kumar, Advocate, S.R.No.46075
+1cc to the Government Pleader, S.R.No.46229

W.P. No.26850 of 2015

CA(CO)
CA(10/09/2015)



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