

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.26983 of 2015

K. Vasumathi
represented by her Power Agent
S.S. Muthu Kumar
S/o S. Sundaram
D.No.79, Pillayar Madam Thangal
Moovendar Nagar
Noombal, Chennai - 77

Petitioner

vs.

- 1 The Secretary to the Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Commissioner
Thiruverkadu Municipality
Sivan Koil Street
Thiruverkadu
Chennai 77

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the second and third respondents from locking, sealing and demolition of the petitioner's building comprised in Plot No.79, Moovendar Nagar, Noombal, Chennai - 77 in pursuance of locking and sealing notice dated 27.07.2015 in Letter No.13/2015 during the pendency of appeal dated 17.08.2015 preferred on the file of the first respondent.

For petitioner Mr. B. Vijay

For R1

Mrs. A. Srijayanthi
Special Government Pleader

For R2

Mr. C. Johnson, Standing Counsel

For R3

Mr. P. Sanjay Gandhi, Standing Counsel

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. C. Johnson, learned Standing Counsel, accepts notice for the second respondent. Mr. P. Sanjay Gandhi, Standing Counsel, accepts notice for the third 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 This writ petition is filed seeking a writ of mandamus forbearing the second and third respondents from locking, sealing and demolition of the petitioner's building comprised in Plot No.79, Moovendar Nagar, Noombal, Chennai - 77 in pursuance of locking and sealing notice dated 27.07.2015 in Letter No.13/2015 during the pendency of appeal dated 17.08.2015 preferred on the file of the first respondent.

3 From a perusal of the records, it transpires that the second respondent has issued locking, sealing and demolition notice dated 27.07.2015 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 filed an appeal under Section 80-A of the Act before the first respondent-Government on 17.08.2015, 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.

4 Despite lapse of ten days 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.

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 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., 28th

August, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Secretary to the Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009
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Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Commissioner
Thiruverkadu Municipality
Sivan Koil Street
Thiruverkadu
Chennai 77

+1 cc to Mr.B.Vijay, Advocate, sr.46096
+1 cc to Mr.C.Johnson, Advocate, sr.46127
+1 cc to Government Pleader, sr.46231

सत्यमेव जयते

W.P. No.26983 of 2015

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