

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.26993 of 2015

and

M.P. No.1 of 2015

1 P. Rajan

2 P. Sudhakar

3 P. Sekar

4 P. Siva

...Petitioners

vs.

1 Chennai Metropolitan Development Authority  
represented by its Member Secretary  
No.1, Gandhi Irwin Road  
Egmore  
Chennai 600 008

2 Government of Tamil Nadu  
represented by its Secretary to Government  
Housing and Urban Development Department  
Fort St. George  
Chennai 600 009

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the first respondent from initiating any coercive action of locking and sealing and demolition with regard to the petitioner's building put up at Old No.285, New No.464, Mint Street, Park Town, Chennai 600 003 under the Tamil Nadu Town and Country Planning Act, till the disposal of the petitioner's revision petition dated 10.08.2015 submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act.

For petitioner : Mr. P. Ramanathan  
For R1 : Mr. C. Johnson, Standing Counsel  
For R2 : Mrs. A. Srijayanthi  
Special Government Pleader

ORDER  
(made by SATISH K. AGNIHOTRI, J.)

Mr. C. Johnson, learned Standing Counsel, accepts notice for the first respondent. Mrs. A. Srijayanthi, learned Special Government Pleader, 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 This writ petition is filed seeking a writ of mandamus forbearing the first respondent from initiating any coercive action of locking, sealing and demolition with regard to the petitioner's building put up at Old No.285, New No.464, Mint Street, Park Town, Chennai 600 003 under the Tamil Nadu Town and Country Planning Act (for short "the Act"), till the disposal of the petitioner's revision dated 10.08.2015 submitted under Section 80-A of the Act.

3 From a perusal of the records, it transpires that the first respondent has issued locking, sealing and demolition notice dated 28.07.2015 against the petitioner under Sections 56 and 57 read with Section 85 of the Act. Thereagainst, the petitioner has filed a revision under Section 80-A of the Act before the second respondent-Government on 10.08.2015, 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 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 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 second 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., 28<sup>th</sup> 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/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Member Secretary  
Chennai Metropolitan Development Authority  
No.1, Gandhi Irwin Road  
Egmore  
Chennai 600 008

2 The Secretary to Government  
Housing and Urban Development Department  
Government of Tamil Nadu  
Fort St. George  
Chennai 600 009

1 CC to Mr. C. Johnson, Advocate SR.No. 46129  
1 CC to R.Mohan, Advocate SR.No. 46025  
1 CC to the Government Pleader, SR.No. 46221

W.P. No.26993 of 2015

SKV (CO)

PSI (09.09.2015)