

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2015

CORAM:

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

W.P. Nos.27148 to 27153 of 2015 and M.P. Nos.1 of 2015

Nitin P. Shah	Petitioner in WP No.27148/2015
Vimal Chand	Petitioner in WP No.27149/2015
Tulsiram	Petitioner in WP No.27150/2015
Mahendra Singh	Petitioner in WP No.27151/2015
Kishore M. Patel	Petitioner in WP No.27152/2015
Bimal Kumar Jain	Petitioner in WP No.27153/2015

Vs.

- 1 The Executive Engineer
Zonal Office - VI, Corporation of Chennai
No.5, Anderson Street
Anayavaram
Chennai 600 023
- 2 The Assistant Executive Engineer
U-17,
Zonal Office - VI, Corporation of Chennai
No.5, Anderson Street
Ayanavaram, Chennai 600 023
- 3 The Assistant Engineer (AE/DN)
Division - 78, (Corporation of Chennai)
Zonal Office - VI, Corporation of Chennai
No.5, Anderson Street
Ayanavaram, Chennai 600 023
- 4 The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009
- 5 Shanthilal M. Jain
- 6 Lalith Kumar S. Jain

Respondents in all the WPs

Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents from giving effect to the de-occupation notices under Form I Sec. 56 vide Notice No.1070, 1072, 1067, 1064, 1068, and 1066/2015 dated 04.08.2015 issued by respondents 1 to 3, during the pendency of the appeals dated 17.08.2015 filed by the petitioners before the fourth respondent.

For petitioner
in all the WPs Mr. D. Senthil Kumaar

For RR 1 - 3 Mr. V.C. Selvasekaran
Standing Counsel

For R4 Mr. N. Sakthivel
Government Advocate

COMMON ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 1 to 3. Mr. N. Sakthivel, learned Government Advocate, accepts notice for the fourth respondent. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal, at the admission stage itself.

2 The instant writ petitions are filed seeking a writ of mandamus forbearing the Chennai Corporation from giving effect to the de-occupation notices dated the 4th ultimo, issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"), during the pendency of the appeals preferred by the petitioners before the fourth respondent.

3 From a perusal of the records, it is seen that the Chennai Corporation has issued a locking, sealing and demolition notice dated the 4th ultimo under Sections 56 and 57 read with Section 85 of the Act against the petitioners. Thereagainst, on the 5th ultimo, the petitioners have preferred appeals before the fourth respondent under Section 80-A of the Act, which are pending consideration. It is further seen that along with the said appeals, the petitioners have also filed applications for interim stay in terms of the provisions of Section 80-A(3) of the Act.

4 Without going into the merits of the case, we are of the considered view that if appeals are filed along with applications for interim relief, the officers are well advised to consider the applications for interim relief at the earliest, preferably within a period of two weeks, to avoid further complications.

5 Accordingly, we direct the fourth respondent to consider the petitioners' applications for interim relief as early as possible, preferably within a period of two weeks and also to consider the appeals within the statutory period prescribed under the provisions of law, on their own merits and in accordance with law. It is made clear that for a period of two weeks from today, i.e., 31st August 2015, status quo as obtained today, in respect of the properties in question, shall be maintained by both the parties and the petitioners are restrained from making any further construction in the properties in question.

6 With the above directions, the writ petitions are disposed of. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

cad
To

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Chennai 600 009.

2 cc to Mr.D. Senthil Kumar , Advocate Sr.No.47007
1 cc to Government Pleader.Sr.No.46885

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pmk.10.9.2015

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