

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM:

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

W.P. No.27300 of 2015 and M.P.No.1 of 2015

M.B. Habeebur Rahman

Petitioner

Vs.

- 1 Corporation of Chennai
represented by its Commissioner
Ripon Buildings, Chennai 600 003
- 2 The Executive Engineer
Enforcement - Region (Central)
Corporation of Chennai
II Cross Street
Shenoy Nagar, Chennai 600 030
- 3 Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development
Fort St. George, Chennai 600 009

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking, sealing and demolition vide notice No.REGIONCENTRAL/TPENF/0990/2015 dated 03.08.2015 with regard to the building put up at Old No.53, New No.140 Muthiah Street, Teynampet, Chennai - 600 086, pending determination of the revision petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 05.08.2015.

For petitioner Mr.R.Mohan

For RR 1 & 2 Mr. V.C. Selvasekaran

Standing Counsel

For R3 Mr. P.S. Sivashanmugasundaram

Special Government Pleader

O R D E R

(made by SATISH K. AGNIHOTRI, J.)

Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 1 and 2. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, 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 respondents 1 and 2 from initiating any coercive action of locking, sealing and demolition of the building put up at Old No.53, New No.140 Muthiah Street, Teynampet, Chennai - 600 086, in pursuance of the locking, sealing and demolition notice dated the 3rd ultimo, pending determination of the revision petition dated 5th ultimo, submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 From a perusal of the records, it is seen that the Chennai Corporation has issued a locking, sealing and demolition notice dated the 3rd ultimo under Sections 56 and 57 read with Section 85 of the Act against the petitioner. Thereagainst, the petitioner has preferred a revision before the third respondent under Section 80-A of the Act on the 5th ultimo, which is pending consideration. It is further seen that along with the said revision, the petitioner has also filed an application 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 the 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 third 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 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., 1st September, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties and the petitioner is restrained from making any further construction in the property in question.

6 With the above directions, the writ petition is disposed of.
No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai 600 003
- 2 The Executive Engineer
Enforcement - Region (Central)
Corporation of Chennai
II Cross Street
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- 3 The Secretary to Government
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+ 1 cc to Mr.R. Mohan, Advocate Sr.46620

W.P. No.27300 of 2015

EV(CO)
EU 14.09.15

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