

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2015

CORAM:

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

W.P. No.27519 of 2015 and M.P.No.1 of 2015

Pratapmal

Petitioner

Vs.

- 1 The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009
- 2 Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Executive Engineer (Enforcement)
Office of the Regional Deputy Commissioner-North
Corporation of Chennai
61, Basin Bridge Road
Chennai 600 021

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the second respondent from in any way interfering with the petitioner's premises at Old Door No.73, New Door No.46, Nattu Pillaiyar Koil Street, Chennai - 1, particularly by way of locking, sealing and demolition, pending final determination of the petitioner's appeal dated 21.08.2015 under Section 80-A of the Tamil Nadu Town and Country Planning Act with the first respondent.

For petitioner	Mr. L. Chandrakumar
For R1	Mrs. A. Srijayanthi Special Government Pleader
For R2	Mr. N. Sampath, Standing Counsel
For R3	Ms. Karthikaa Ashok, Standing Counsel

O R D E R

(made by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. N. Sampath, learned Standing Counsel, accepts notice for the second respondent. Ms. Karthikaa Ashok, learned 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 respondent from in any way interfering with the petitioner's premises at Old Door No.73, New Door No.46, Nattu Pillaiyar Koil Street, Chennai - 1, particularly by way of locking, sealing and demolition, pending final determination of the petitioner's appeal dated 21st August 2015 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") by the first respondent.

3 From a perusal of the records, it is seen that the second respondent has issued a locking, sealing and demolition notice dated 28th July 2015 under Sections 56 and 57 read with Section 85 of the Act against the petitioner. Thereagainst, the petitioner has preferred an appeal before the first respondent under Section 80-A of the Act on 21st August 2015, which is pending consideration. It is further seen that along with the said appeal, 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 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 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., 2nd 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/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009
 - 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
 - 3 The Executive Engineer (Enforcement)
Office of the Regional Deputy Commissioner-North
Corporation of Chennai
61, Basin Bridge Road
Chennai 600 021
- +1 cc to Mrs.Karthikaa Ashok, Advocate, sr.47083
+1 cc to Mr.N.Sampath, Advocate, sr.47201
+1 cc to Govt. Pleader, sr.47341

W.P. No.27519 of 2015

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