

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM:

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

W.P. No. 27715 of 2015

R. Shanmugamudaliar
rep. By his power agent
S.S.Muthukumar

.... Petitioner

vs.

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George, Secretariat, Chennai
- 2 The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road,
Egmore, Chennai 8
- 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 2nd and 3rd respondents from locking, sealing and demolition of the petitioner's building comprised in Plot No.56 Moovendar Nagar, Noombal , Chennai 7 in pursuance of Lock and Sealing Notice dated 27.7.2015 in Letter No.11/2015 during the pendency of Appeal dated 17.8.2015 preferred on the file of the 1st respondent.

For petitioner : Mr. B. Vijay

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1
Mr. N. Sampath - R2

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The first respondent herein has issued locking, sealing and demolition notice dated 27th July, 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").

3. From a perusal of the records, it is seen that the petitioner has already preferred an appeal before the third respondent herein on 17th August, 2015, against the said notice dated 27th July, 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 from today 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., 3rd 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 also restrained from making any further construction on the property in question, in the meantime.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

ra

Note: Registry is directed to mark a copy of this order to the Appellate Authority forthwith.

To

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George, Secretariat, Chennai
 - 2 The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road,
Egmore, Chennai 8
 - 3 The Commissioner,
Thiruverkadu Municipality, Sivan Koil Street
Thiruverkadu, Chennai 77.
- 1 cc to Mr. B. Vijay , Advocate Sr.No.47375/2015
1 cc to Mr. N. Sampath, Advocate Sr.No. 47496/15
1 cc to Government Pleader.Sr.No.47585

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