

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2015

CORAM:

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

W.P. No.27792 of 2015 and M.P.No.1 of 2015

1 Anandi Devi

2 Rajkumari

3 B. Govindalal

4 Shobarani

5 Basant Kumar

Petitioners 1 to 5 are represented by this power
of Attorney Goverdan Agarwal)

6 B. Goverdan Agarwal

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 for issuance of a writ of mandamus forbearing the first respondent from initiating any coercive action of locking and sealing and demolition with regard to the petitioners' building put up at Old No.117, New No.12, Audiappan Street, Chennai 600 001, till the disposal of the petitioners' revision petition dated 20.08.2015 submitted to the second respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

For petitioners Mrs. Jasmine Padma

For R1

Mr. N. Sampath, Standing Counsel

For R2

Mrs. A. Srijayanthi
Special Government Pleader

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sampath, 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 petitioners' building put up at Old No.117, New No.12, Audiappan Street, Chennai 600 001, till the disposal of the petitioners' revision petition dated the 20th ultimo submitted to the second respondent 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 first respondent has issued a locking, sealing and demolition notice dated 27th July 2015 under Sections 56 and 57 read with Section 85 of the Act against the petitioners. Thereagainst, the petitioners have preferred a revision petition before the second respondent under Section 80-A of the Act on the 20th ultimo, which is pending consideration. It is further seen that along with the said revision petition, the petitioners have 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 petition 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 petitioners' application for interim relief as early as possible, preferably within a period of two weeks and also to consider the petitioners' revision petition 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., 4th September, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties and the petitioners are 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 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.L.Chandrakumar, Advocate, sr.47738
+1 cc to Mr.W.Sampath, Advocate, sr.47919
+1 cc to Government Pleader, sr.48193

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W.P. No.27792 of 2015

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