

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30/9/2015

C O R A M

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

W.P.No.27982 of 2015
and
M.P.No.1 of 2015

Sri Rajasthani Jain Association
rep. By President
Mr.Mahaveer Chand Kothari
No.36 Ekambareswara Agraharam Street
Park Town
Chennai 600 003.

...Petitioner

Vs

1. Government of Tamil Nadu
rep. By its Secretary to Government
Housing and Urban Development,
Fort St. George
Chennai 600 009.
2. The Regional Deputy Commissioner
Chennai Corporation (North Zone)
No.62 Basin Bridge Road
Chennai 600 021.
3. The Executive Engineer
(Enforcement) RDC (North Office)
Zone - V, Corporation of Chennai
Chennai.
4. The Assistant Executive Engineer
Division 59 Unit 14, Zone - V
No.28 Seven Well Street
Chennai 600 001.

...Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents 2 to 4 to forbear them from in anyway interfering with the building at No.36 Ekambareswara Agraharam Street, Park Town, Chennai 600 003 particularly by way of locking and sealing and demolition pending final determination of the appeal dated 19/8/2015 pending with the first respondent under Section 80 A of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioners : M/s.S/Meenakumari

For Respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R.1

Mr.V.C.Selvasekaran
for R.R.2 and 4

O R D E R
(Delivered by SATISH K. AGNIHOTRI, J.,)

Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, appears on behalf of the first respondent. Mr.V.C.Selvasekaran appears for the second and fourth respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2 This writ petition is filed seeking a writ of mandamus forbearing the respondents 2 to 4 from in anyway interfering with the building at No.36 Ekambareswara Agraharam Street, Park Town, Chennai 600 003 particularly by way of locking and sealing and demolition pending final determination of the appeal dated 19/8/2015 pending with the first respondent under Section 80 A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") dated 27 August, 2015.

3 From a perusal of the records, it is seen that the Chennai Corporation has issued a locking, sealing and demolition notice dated 2 July, 2015, 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 18 August, 2015, 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 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 revision within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law, in the light of the order dated 29 September, 2015, passed by this Court in Lalithkumar C.Soni - vs. Government of Tamil Nadu and others¹. If the petitioner is in possession of the property in question, as on today, status-quo, as obtained today, shall be maintained for a period of two weeks from today, i.e., 30 September, 2015. Further, in the event, the petitioner is in possession of the property in question, he 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 (Records)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development,
Fort St. George
Chennai 600 009.

¹ W.PNo.16392 of 2015 batch

2. The Regional Deputy Commissioner
Chennai Corporation (North Zone)
No.62 Basin Bridge Road
Chennai 600 021.

3. The Executive Engineer
(Enforcement) RDC (North Office)
Zone - V, Corporation of Chennai
Chennai.

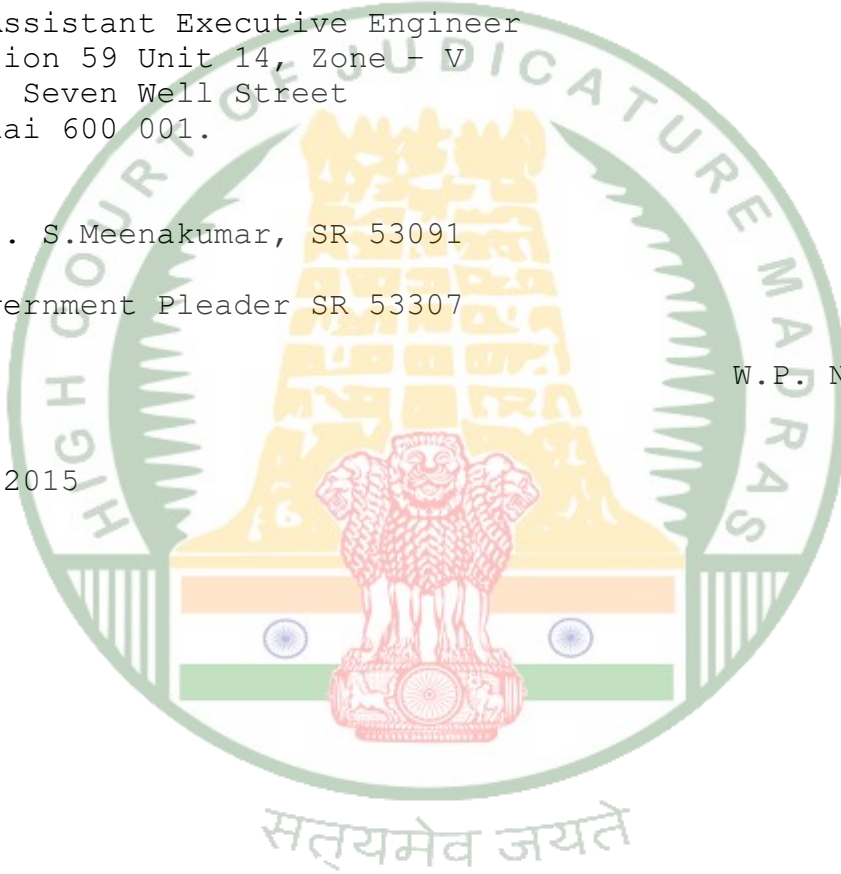
4. The Assistant Executive Engineer
Division 59 Unit 14, Zone - V
No.28 Seven Well Street
Chennai 600 001.

1CC to Mrs. S.Meenakumar, SR 53091

1CC to Government Pleader SR 53307

W.P. No.27982 of 2015

SKV [CO]
PSI 13.10.2015



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