

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.2800 of 2015 and M.P. No.1 of 2015

Terapanth Educational and Medical Trust
represented by its Secretary
Mr. Chaganmal Dhoka
S/o Misrimull Dhoka
32 Vadamalai Street
Sowcarpet (Kondithope)
Chennai 600 079

Petitioner

Vs.

- 1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
- 2 The Executive Engineer - Enforcement
Zone - V
Corporation of Chennai
O/o the Regional Deputy Commissioner - North
Basin Bridge Road
Chennai 600 021
- 3 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 seeking a writ of mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition with regard to the petitioner's school building put up at No.32/44 & 45, Vadamalai Street, Kondithope (also abutting No.3/2 and 2A, Amman Koil First Lane on the rear side), Chennai - 79 under Town and Country Planning Act, till the disposal of the petitioner's appeal petition submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act.

For petitioner Mr. R. Mohan
For RR 1 & 2 Mr. G. Anantharangan
For R3 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

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

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 The second respondent has issued a notice dated 22.12.2014 against the petitioner under Section 56(2)(iii) and (2-A) of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"), whereby and whereunder, the petitioner has been asked to dis-continue the occupation of the premises in question, enabling the Corporation to carry out locking, sealing and demolition of the said building.

3 From a perusal of the records, it is seen that the petitioner has already filed an appeal before the third respondent on 10.01.2015 against the aforesaid notice dated 22.12.2014, which is pending consideration. It is further seen that along with the said appeal, the petitioner has also preferred an application for interim stay in view of the provisions of Section 80-A(3) of the Act.

4 Therefore, without going into the merits of the case, we are of the considered view that if an appeal is filed along with the application for interim relief, the officers are well advised to consider the application for interim relief to avoid further complications at the earliest, preferably within a period of two weeks.

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 from today and also to consider the petitioner's appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. There shall be an order of status quo as obtained today, for a period of two weeks.

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

Sd/-
Assistant Registrar

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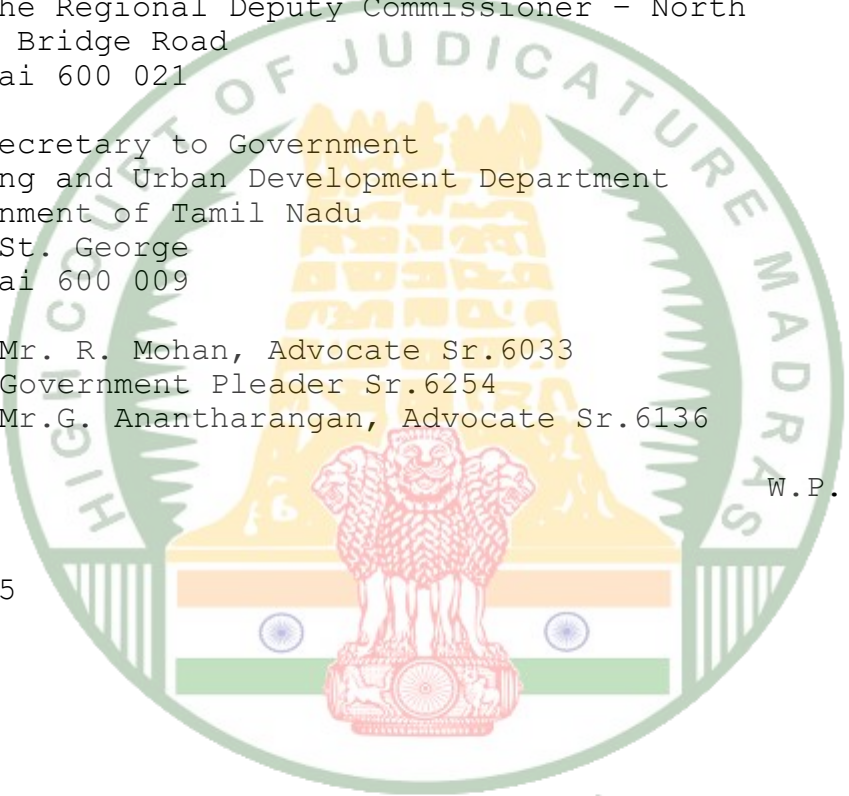
Sub Assistant Registrar

To

- 1 The Commissioner
Corporation of Chennai
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 - 2 The Executive Engineer - Enforcement
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O/o the Regional Deputy Commissioner - North
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 - 3 The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- + 1 cc to Mr. R. Mohan, Advocate Sr.6033
+ 1 cc to Government Pleader Sr.6254
+ 1 cc to Mr.G. Anantharangan, Advocate Sr.6136

KU(CO)
Eu 21.02.15

W.P. No.2800 of 2015



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