

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2015

CORAM:

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

W.P. No.2804 of 2015 and M.P. No.1 of 2015

K. Abbas

..Petitioner

Vs.

1 The Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-9.

2 The Commissioner
Corporation of Chennai, Rippon buildings,
Chennai.

3 The Regional Deputy
Commissioner, Corporation of Chennai (North
Zone), 62 Basin Bridge Road,
Old Washermenpet, Chennai-21.

4 The Executive Engineer,
Zone V, Corporation of Chennai,
62 Basin Bridge Road,
Old Washermenpet,
Chennai-21.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 to 4 to forbear them from in any way interfering with the petitioner's building in Door No.53 Bunder Street, Sowcarpet, Chennai-79, particularly by way of locking sealing and demolition in pursuance of the Notice No.DN.57/ 80/ 2014 dated 25.10.2014, during the pendency of petitioner's Appeal dated 25.11.2014 on the file of the 1st respondent.

For petitioner Mr. S. Santosh
For R 1 Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader
For R2 - R4 Mr. Anantharangan

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 de-occupation notice dated 25.10.2014 against the petitioner under Section 56-2(A) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 On bare perusal of the records, it is evident that the petitioner has already filed an appeal before the first respondent on 25.11.2014 against the aforesaid notice dated 25.10.2014, which is pending consideration. It is further noticed that along with the said appeal, the petitioner has also preferred an application for interim stay under 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 the 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 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 his 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 on today for a period of two weeks.

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

//True Copy//

Sd/-
Assistant Registrar

Sub Assistant Registrar

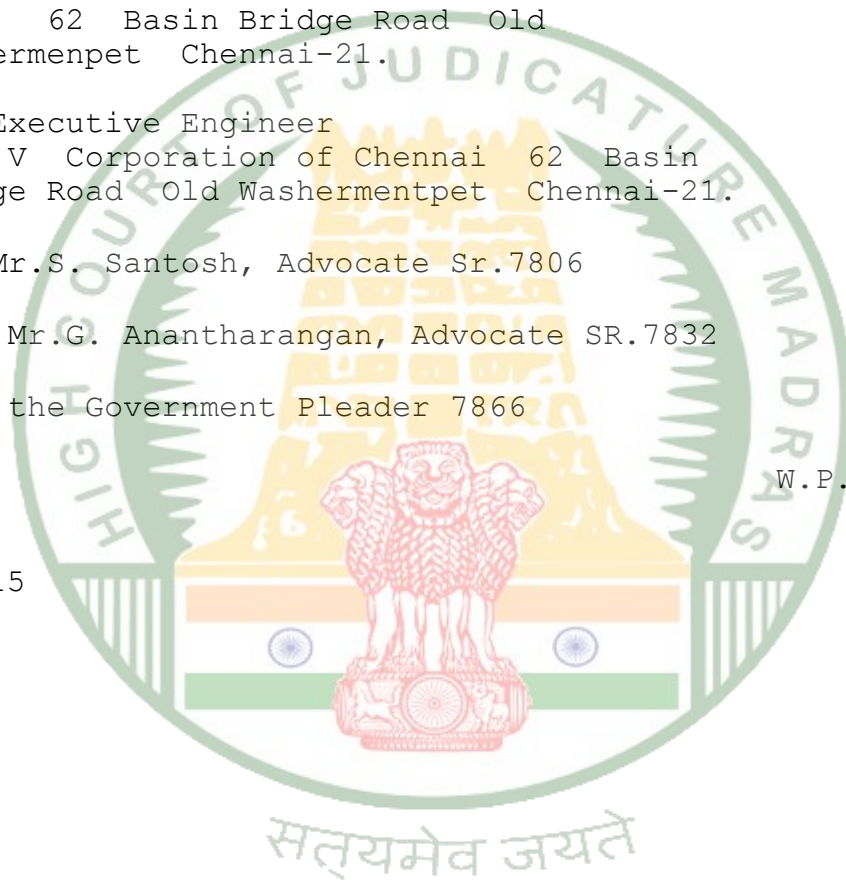
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To

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George Chennai-9.
 - 2 The Commissioner
Corporation of Chennai Rippon buildings
Chennai
 - 3 The Regional Deputy
Commissioner Corporation of Chennai (North
Zone) 62 Basin Bridge Road Old
Washermenpet Chennai-21.
 - 4 The Executive Engineer
Zone V Corporation of Chennai 62 Basin
Bridge Road Old Washermenpet Chennai-21.
- +1 cc to Mr.S. Santosh, Advocate Sr.7806
- + 1 cc to Mr.G. Anantharangan, Advocate SR.7832
- + 1 cc to the Government Pleader 7866

TS (CO)
Eu 20.02.15

W.P. No.2804 of 2015



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