

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.28500 of 2015
and
M.P.No.1 of 2015

N.T.N.Gideon Thangaraj ... Petitioner

Vs.

1 Corporation of Chennai
represented by its Commissioner
Ripon Buildings, Chennai 600 003

2 The Executive Engineer
Enforcement - Region (Central)
Corporation of Chennai
II Cross Street
Shenoy Nagar, Chennai 600 030

3 Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development
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 respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking, sealing and demolition with regard to the building put up at Door No.180 Jawaharlal Nehru Salai (100 Feet Road), Arumbakkam, Chennai 600 106 pending determination of the revision petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 27/8/2015 with the third respondent.

For petitioner Mr.R.Mohan

For respondents Mr.R.Arunmozhi for RR.1 and 2.

Mr.P.S.Sivashanmugasundaram
Special Government Pleader for R.3.

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O R D E R

(Delivered by SATISH K. AGNIHOTRI, J.)

Mr. R.Arunmozhi appears for the first and second respondents. Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, appears for the third respondent. 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 1 and 2 or anybody on their behalf from initiating any coercive action of locking, sealing and demolition with regard to the building put up at Door No.180 Jawaharlal Nehru Salai (100 Feet Road), Arumbakkam, Chennai 600 106 pending determination of the revision petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act (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 11 August, 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 the 27 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 third 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. It is made clear that for a period of two weeks from today, i.e., 30 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 restrained from making any further construction in the property in question.

1 W.P.No.16392 of 2015 batch

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

mvs

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

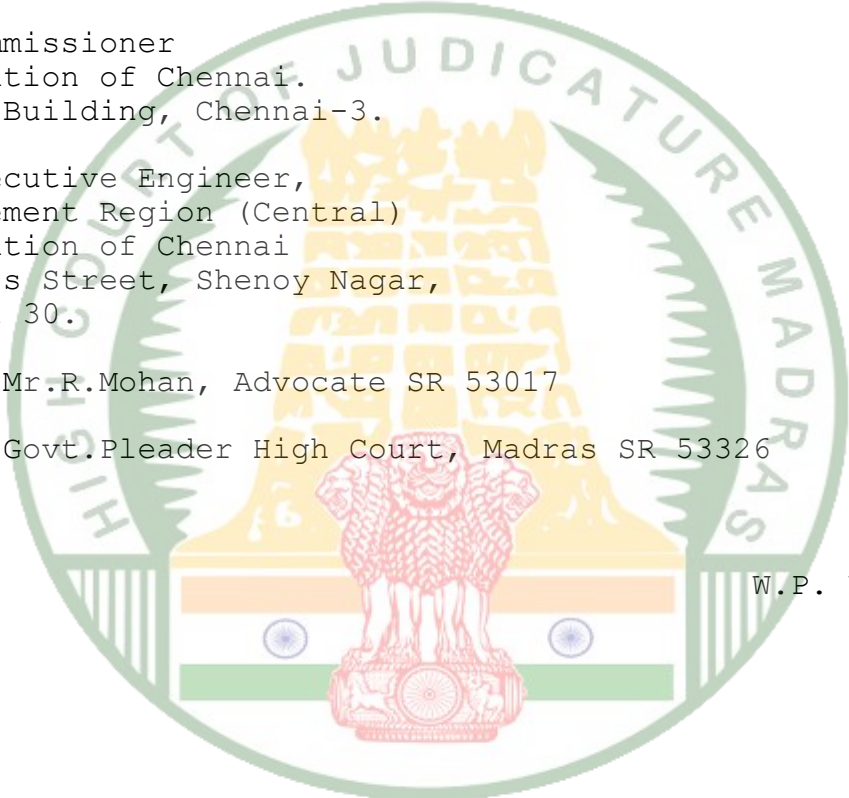
1. The Commissioner
Corporation of Chennai.
Rippon Building, Chennai-3.
2. The Executive Engineer,
Enforcement Region (Central)
Corporation of Chennai
II Cross Street, Shenoy Nagar,
Chennai 30.

+ 1 cc to Mr.R.Mohan, Advocate SR 53017

+ 1 cc to Govt.Pleader High Court, Madras SR 53326

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W.P. No.28500 of 2015



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