

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22/9/2015

CORAM:

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

W.P. Nos.29682 and 29683 of 2015

V. Tegeram ... Petitioner in
W.P.No.29682 of 2015

Fool Singh ... Petitioner in
W.P.No.29683 of 2015

Vs

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George
Secretariat
Chennai.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1 Gandhi Irwin Road
Egmore
Chennai 8. ... Respondents in
both the petitions.

Writ Petitions filed under Article 226 of the Constitution of India seeking a writs of mandamus forbearing the second respondent from locking, sealing and demolition of the petitioner building comprised in Old No.6/7, New No.12/7 Ambersen Street, Chennai 1 in pursuance of Lock and Sealing Notice dated 29/7/2015 in Letter No.EC/EA/N-1/4065/2015 during the pendency of Appeal dated 16/9/2015 preferred on the file of the first respondent.

For petitioner Mr. B. Vijay
in both W.P.s

For R1 Mr.P.S.Sivashanmugasundaram
in both W.P.s Special Government Pleader

For R2 Mr.N.Sampath
in both W.P.s

C O M M O N O R D E R

(Delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr.N.Sampath, accepts notice for the second respondent. With the consent of the learned counsel for the parties, these writ petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed to forbear the second respondent from locking, sealing and demolition of the petitioners' building comprised in Old No.6/7, New No.12/7 Ambersen Street, Chennai 1 in pursuance of Lock and Sealing Notice dated 29/7/2015 in Letter No.EC/EA/N-1/4065/2015 during the pendency of Appeals dated 16 September, 2015 preferred on the file of the first respondent.

3 From a perusal of the records, it transpires that the second respondent has issued locking, sealing and demolition notice dated 29 July, 2015 against the petitioners under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). Thereagainst, the petitioners have filed appeals under Section 80-A of the Act before the first respondent-Government on 15 September, 2015, which are pending consideration. It is further seen that along with the said appeals, the petitioners have also preferred applications for interim stay, in view 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 appeals are filed along with the applications for interim relief, the officers are well advised to consider the applications 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 petitioners' application for interim relief as early as possible, preferably, within a period of two weeks and also to consider the petitioners' appeal 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., 22 September, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties.

6 The writ petitions stand disposed of, with the above direction and observation. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

mvs.

To

1. The Secretary to Government
Housing and Urban Development Department,
Fort St.George,
Secretariat, Chennai - 9.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Buildings,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

+2 ccs to Mr.N.Sampath, Advocate, sr.51700, 51701

+2 ccs to Mr.B.Vijay, Advocate, sr.51729, 51730

+1 cc to Government Pleader, sr.51911

W.P. Nos.29682 and 29683 of 2015

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