

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22/9/2015

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.29751 of 2015
and
M.P.No.1 of 2015

S. Baby Parimala

Petitioner

Vs

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.
2. The Executive Engineer
(Enforcement - Region Central)
Second Cross Street (East)
Pulla Avenue
Shenoy Nagar
Chennai 600 030.
3. The Secretary to Government
of Tamil Nadu
Housing and Urban Development Department
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 directing the third respondent to dispose off on merits the Appeal dated 1/9/2015 filed by the petitioner and direct the second respondent to remove the locking and sealing done on 17/8/2015 on petitioner's residential Flat No.25/8, Welcome Colony, Anna Nagar West Extension, Chennai 600 101.

For petitioner ... Mr.S.J.Jagadev

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

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

O R D E R

(Delivered by SATISH K. AGNIHOTRI, J.)

Mr. R.Arunmozhi accepts notice for respondents 1 and 2. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the third respondent. 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 This writ petition is filed seeking a writ of mandamus to direct the third respondent to dispose off the Appeal dated 1/9/2015 filed by the petitioner and direct the second respondent to remove the locking and sealing done on 17/8/2015 on petitioner's residential Flat No.25/8, Welcome Colony, Anna Nagar West Extension, Chennai 600 101.

3 From a perusal of the records, it is seen that the Chennai Corporation has issued a locking, sealing and demolition notice dated 22 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 31 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. It is made clear that for a period of two weeks from today, 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.

6. As far as the second portion of the prayer is concerned, i.e., to direct the second respondent to remove the locking and sealing done on 17 August, 2015 on petitioner's residential Flat No.25/8, Welcome Colony, Anna Nagar West Extension, Chennai 600 101, it is for the appellate authority to consider the application for

interim relief, during the pendency of the writ appeal. Thus, we decline to grant the same.

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

mvs.

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003.
2. The Executive Engineer,
(Enforcement - Region Central),
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.
3. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George
Chennai 600 009.

+1 cc to Mr.S.J.Jagadev, Advocate, sr.51503
+1 ccto Mr.R.Arunmozhi, Advocate, sr.51605
+1 cc to The Government Pleader, sr.51908

W.P.No.29751 of 2015

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