

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM:

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

W.P. No.29898 of 2015 and M.P.No.1 of 2015

L. Radhika

Petitioner

Vs.

1. The State of Tamil Nadu,
rep. By Secretary,
Urban Development,
Fort St. George,
Chennai 600 009.

2. The Executive Engineer,
Enforcement - Region Central,
Regional Office - Central,
Corporation of Chennai,
2nd cross street (East),
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to dispose of petitioner's revision petition under Section 80(1) of the Town and Country Planning Act filed on 05.08.2015 pending before the first respondent.

For petitioner M/s. V. Yamunadevi

For respondents Mrs. A. Srijayanthi
Special Government Pleader- R1

Mr. R. Arunmozhi - R2

O R D E R

(made by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent and Mr. R. Arunmozhi, learned Counsel, accepts notice for second 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 directing the first respondent to dispose of the petitioner's revision petition under Section 80(1) of the Town and Country Planning Act filed on 05.08.2015 pending before the first respondent.

3. From a perusal of the records, it is seen that the Chennai Corporation has issued a locking, sealing and demolition notice dated the 14 May, 2015 and the stop work notice dated 28 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 first respondent under Section 80 (1) of the Act on the 5th ultimo, 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 (2) 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, i.e., 23rd 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.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Urban Development,
Fort St. George,
Chennai 600 009.
2. The Executive Engineer,
Enforcement - Region Central,
Regional Office - Central,
Corporation of Chennai,
2nd cross street (East),
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

+lcc to M/s. Mohanavadivelan, Advocate, S.R.No.51961
+lcc to M/s. R. Arunkozhi, Advocate, S.R.No.51948
+lcc to the Government Pleader, S.R.No.52044

MP(CO)
EU(08/10/2015)

W.P. No.29898 of 2015



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