

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2015

CORAM:

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

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.30861 of 2015 and M.P.No.1 of 2015

Sunitha Lodha

Petitioner

Vs.

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009
- 2 The Corporation of Chennai
represented by its Commissioner
Ripon Buildings, Chennai 600 003
- 3 The Executive Engineer (Enforcement)
O/o the Regional Deputy Commissioner - North
Corporation of Chennai
61, Basin Bridge Road
Chennai 600 021

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 2 and 3 or anybody on their behalf from initiating any coercive action of locking, sealing and demolition with regard to the building put up at New No.38, Old No.7, Irulappan Street, Sowcarpet, Chennai 600 079, pending determination of the appeal petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 11.09.2015.

For petitioner Mr. P. Ramanathan
For R1 Mrs. A. Srijayanthi, Spl. Govt. Pleader
For RR 2 & 3 Mr. V.C. Selvasekaran
Standing Counsel

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 2 and 3. 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 forbearing the respondents 2 and 3 from initiating any coercive action of locking, sealing and demolition with regard to the building put up at New No.38,

Old No.7, Irulappan Street, Sowcarpet, Chennai 600 079, pending determination of the petitioner's appeal petition filed under Section 80-A of the Tamil Nadu Town and Country Planning Act (for short "the Act") on the 11th instant.

3 From a perusal of the records, it is seen that the Chennai Corporation has issued a locking, sealing and demolition notice on the 14th ultimo under Sections 57 and 85 of the Act against the petitioner. Thereagainst, the petitioner has preferred an appeal before the first respondent under Section 80-A of the Act on the 11th instant, which is pending consideration. It is further seen that along with the said appeal, 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 appeal 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 first 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 petitioner's appeal 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 29th September 2015 passed by this Division Bench 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.

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

-sd/-

ASSISTANT REGISTRAR (CS-IV)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

cad

To

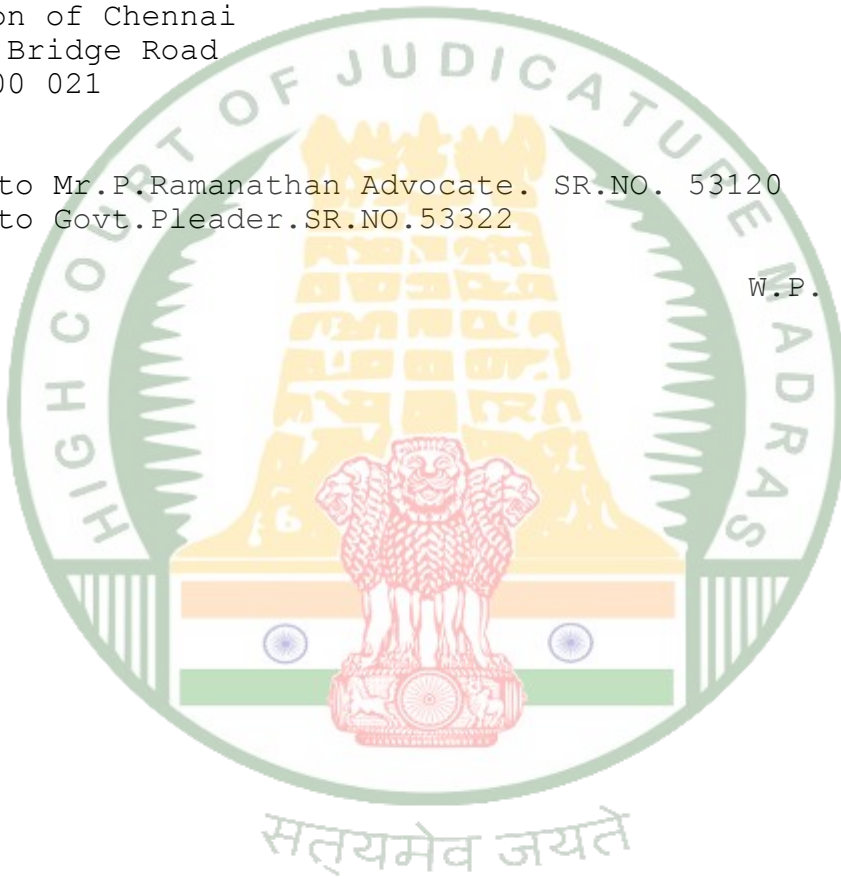
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+1 CC to Mr.P.Ramanathan Advocate. SR.NO. 53120
+1 CC to Govt.Pleader.SR.NO.53322

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CO-PPA

JD 12/10/2015



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