

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

CORAM:

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

W.P. No.3088 of 2015

L.R. Raja

Petitioner

Vs.

1 The State of Tamil Nadu
represented by the Secretary to Government
Housing & Urban Development Department
Fort St. George
Chennai 600 009

2 Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent not to take any coercive steps, pending disposal of the petitioner's appeal dated 30.01.2015 on the file of the first respondent.

For petitioner M/s. Swarnam Rajagopalan

For R1

Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For R2

Mr. N. Sampath, Standing Counsel

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for the first respondent and Mr. N. Sampath, learned Standing Counsel, takes notice for the 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 The second respondent has issued an order dated 26.12.2014 against the petitioner under Section 54 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"), whereby and whereunder, the planning permission sought by the petitioner, has been refused.

3 From a perusal of the records, it is seen that the petitioner has already filed an appeal before the first respondent on 30.01.2015 against the aforesaid refusal order dated 26.12.2014, which is pending consideration. It is further seen that along with the said appeal, the petitioner has also preferred an application for interim stay in view of the provisions of Section 79(5) of the Act.

4 Therefore, without going into the merits of the case, we are of the considered view that if an 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 from today 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.

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

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cad

To

1 The Secretary to Government
Housing & Urban Development Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009

2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

1 cc to Mr.N. Sampath, Advocate, sr. 7266
1 cc to Government Pleader, Sr. 6991
1 cc to mr. Swarnam, J.Rajagopalan, Advocate, sR. 6766

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SSI (CO)
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