

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2015

CORAM:

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

W.P. No. 31082 of 2015

M/s. R.R.P.Housing Private Ltd.,
rep. By its Managing Director,
N. Padmanabhan
No.12/6 Achuthan Nagar,
1st Street, Old Poonamallee Road,
Ekkatuthangal, Chennai.32.

...Petitioner

vs.

The Deputy Director,
O/o.The Deputy Director of Town and Country
Planning, Chengelpet Division No.124,
G.S.T.Road,
Chengelpet-603 001.

...Respondent

Writ Petition in WP No.25129 of 2015 filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to order made in Na.Ka.No. 1693/2015/Proc.3 dated 02.09.2015 and the consequential order made in Na.Ka.No. 1693/2015/Proc.3, dated 23.09.2015 by the respondent and quash the same and forbear the respondent from locking and sealing the construction situated at No.15 Kannivakkam Village, Peramattu Nallur Panchayat, Chengelpet Taluk, Kancheepuram District in pursuant to the impugned orders.

For petitioner : Mr. G. Ethirajulu

For respondent : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondent. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed challenging the stop work notice dated 02.09.2015 issued by the respondent under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") and the consequential de-occupation notice dated 23.09.2015 and also for a direction to forbear the respondent from locking and sealing the property in question.

3 The prime contention of the petitioner is that the construction in question is in accordance with the building plan approval and as such, the impugned notices are liable to be set aside.

4 We have heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

5 At the outset, it is to be noted that as against the impugned notices issued under Sections 56 and 57 of the Act, statutory appeal remedy is available under Section 80-A of the Act before the State. As such, there is no reason to interfere with the impugned notices, at this stage.

6 As a sequel, the writ petition is dismissed as not maintainable. However, liberty is reserved to the petitioner to take recourse to the appellate forum, if so advised, within a period of two weeks. In the event, an appeal, along with the application for interim relief, is preferred within a period of two weeks from today, the appellate authority is directed to consider the interim application within a period of two weeks. The appellate authority is also directed to decide the appeal within the period prescribed under the statute, on merits and in accordance with law, in the light of the order dated 29 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., 01 October, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties and the

¹ W.P.No.16392 of 2015 batch

petitioner is restrained from making any further construction in the property in question. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ra

Note to Office:

Registry is directed to return the original impugned order to the petitioner retaining a photocopy of the same for records.

To

The Deputy Director,
O/o. The Deputy Director of Town and Country
Planning, Chengelpet Division No.124,
G.S.T.Road, Chengelpet-603 001.

1 CC to Mr. G. Ethirajulu, Advocate SR.No. 54450

1 CC to the Government Pleader, SR.No. 53596

सत्यमेव जयते

W.P. No. 31082 of 2015

TEJ (CO)
PSI (07.10.2015)

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