

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM:

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

W.P. No.31666 of 2015
and
M.P. No.1 of 2015

Kamaraj College of Engineering
& Technology Managing Board
represented by its Secretary
S.P.G. Chidambara Nadar - C. Nagammal Campus
S.P.G.C. Nagar
Virudhunagar 626 001

... Petitioner

Vs

1. The Government of Tamil Nadu
represented by its Secretary
Housing and Urban Development Department
Chennai 600 009
2. The Commissioner of Town and Country Planning
807 Anna Salai
Chennai 600 002
3. The Deputy Director of Town and Country Planning
Madurai Region
No.4, Hakeem Ajmal Khan Road
Chinna Chokkikulam
Madurai 625 002

... Respondents

Writ Petition filed under Article 226 of the Constitution seeking a writ of certiorarified mandamus calling for the records of the third respondent ending with letter Na.Ka.No.530/15 MM3 dated 22.09.2015 and quash the same and forbearing the respondents from in any manner implementing the impugned locking and sealing order, pending disposal of the revision petition and stay petition dated 05.09.2015 filed by the petitioner under Section 80(1) and 80(3) of the Tamil Nadu Town and Country Planning Act, 1971.

For petitioner : Mr. K. Doraisamy, Senior Counsel
for M/s. Muthumani Doraisamy

For respondents : Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.,)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents. 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 challenging the order dated 22 September 2015 issued by the third respondent and for a direction forbearing the respondents from in any manner implementing the impugned locking and sealing order, pending disposal of the revision petition and stay petition dated 05 September 2015 filed by the petitioner under Section 80(1) and 80(3) respectively of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3. It is stated by the learned Senior Counsel appearing for the petitioner that pursuant to the proceedings of the Director of Town and Country Planning dated 16 June 2015, which is referred to in the proceedings dated 25 August 2015 issued by the third respondent, whereunder, the petitioner institute was informed that for want of an application, the property in question would be construed as an unauthorised construction and it was also proposed to initiate locking and sealing of the building under Sections 56 and 57 of the Act, the petitioner has preferred a revision under Section 80(1) of the Act before the first respondent-Government together with an application for interim relief under sub-section (3) of Section 80. During the pendency of the revision petition, the impugned order dated 22 September 2015, exercising power under Section 56 and 57 of the Act has been passed to lock and seal the building within 15 days. Thus, the instant writ petition challenging the said order and for a direction forbearing the respondents from implementing the impugned order, pending disposal of the revision petition.

4. On a perusal of the papers, it is noticed that an application for interim relief has been filed together with the said revision before the revisional authority, which is still pending consideration.

5. The learned Special Government Pleader appearing for the respondents submits that the application for interim relief will be taken up by the first respondent-Government and considered at the earliest.

6. In view of the above submission of the learned Special Government Pleader, we are not inclined to make any observation qua merits of the case. However, 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, i.e., 07 October 2015 and also to consider the petitioner's 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., 07 October, 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.

7. The writ petition stands disposed of with the aforesaid direction and observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary
Government of Tamil Nadu
Housing and Urban Development Department
Chennai 600 009

2. The Commissioner of Town and Country Planning
807 Anna Salai
Chennai 600 002

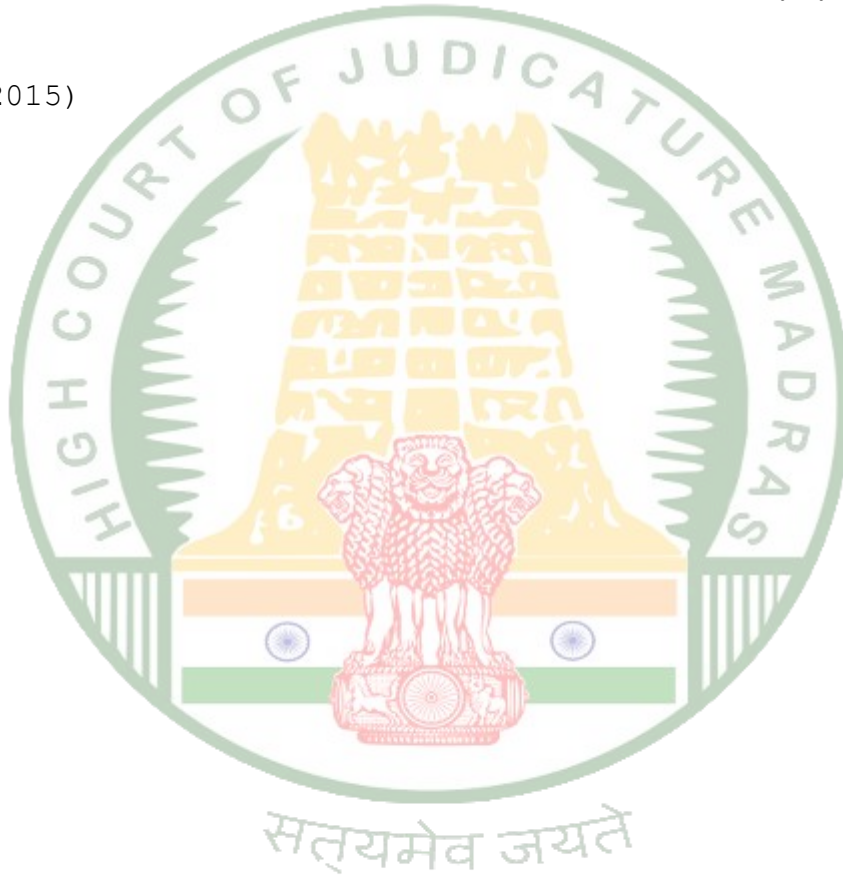
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3. The Deputy Director of Town and Country Planning
Madurai Region
No.4, Hakeem Ajmal Khan Road
Chinna Chokkikulam
Madurai 625 002

+1cc to Mr.Muthumani Doraisami, Advocate, S.R.No.54302
+1cc to the Government Pleader, S.R.No.54631

W.P. No.31666 of 2015

KGK(CO)
CA(14/10/2015)



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