

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.31667 of 2015
and
M.P. No.1 of 2015

Women's Christian College
represented by its Principal and Secretary
College Road
Chennai 600 006

... Petitioner

Vs.

1. Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Department
Fort St. George
Chennai 600 009
2. Chennai Metropolitan Development Authority
represented by its Member Secretary
Thalamuthu Natarajan Building
Egmore
Chennai 600 008

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the second respondent from initiating any coercive action of locking and sealing and demolition of any part of the buildings of the petitioner college pursuant to its order in Letter No.EC/C-1/11223/2015 dated 07.09.2015, pending determination of the appeal and stay petition filed by the petitioner under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971 dated 03.10.2015.

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

For R1 : Mrs. A. Srijayanthi
Special Government Pleader
For R2 : Mr. K. Raja Srinivas
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. K. Raja Srinivas, learned Standing Counsel, accepts 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. This writ petition is filed seeking a writ of mandamus forbearing the second respondent from initiating any coercive action of locking and sealing and demolition of any part of the buildings of the petitioner college, pursuant to its order in Letter No.EC/C-1/11223/2015 dated 07 September 2015, pending determination of the appeal and stay petition filed by the petitioner on 03 October 2015 under Section 80-A and 80-A(3) respectively of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3. From a perusal of the records, it is seen that the second respondent has issued a locking, sealing and demolition notice on 07 September 2015 under Sections 56 and 57 read with Section 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 03 October 2015, 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 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 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., 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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary to Government
Housing and Urban Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Egmore, Chennai 600 008

+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.54303

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.54905

+1cc to the Government Pleader, S.R.No.54625

W.P. No.31667 of 2015

PA(CO)
CA(09/10/2015)

¹ W.A.Nos. 16392 of 2015 batch.