

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

CORAM:

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

W.P. No.3255 of 2015 and M.P. No.1 of 2015

A. Shameem Ahmed

...Petitioner

Vs.

- 1 Corporation of Chennai,
rep. By its The Commissioner,
Ripon Buildings,
Chennai 600 003
- 2 The Executive Engineer
Town Planning Enforcement,
Corporation of Chennai
Region Central,
Second Cross Street (East),
Pullah Avenue,
Shenoy Nagar,
Chennai 600 030.
- 3 Government of Tamil Nadu,
rep. By its Secretary to Government,
Housing and Urban Development Department
Fort St. George, Chennai 600 009

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition with regard to the petitioner's building put up at New No.160, Old No.78/4, Perambur High Road, Jamaliam, Perambur, Chennai under Town and Country Planning Act till the disposal of petitioner's appeal petition submitted under Section 80-A of the Tamil nadu Town and Country Planning Act. g

For petitioner : Mr. R. Mohan

For RR 1 & 2 : Mr. A. Anantharangan

For R3 : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

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

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 de-occupation notice dated 22.12.2014 against the petitioner under Section 56-2(A) and 57 read with Section 85 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 petitioner has already filed an appeal before the third respondent on 12.01.2015 against the aforesaid notice dated 22.12.2014, 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 80-A(3) of the Act.

4. Therefore, 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 to avoid further complications at the earliest, preferably within a period of two weeks.

5. Accordingly, we direct the third 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 his appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. There shall be an order of status quo as on today for a period of two weeks.

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

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003
2. The Executive Engineer
Town Planning Enforcement,
Corporation of Chennai
Region Central, Second Cross Street (East),
Pullah Avenue, Shenoy Nagar
Chennai 600 030.
3. Government of Tamil Nadu,
The Secretary to Housing and Urban Development Department
Fort St. George, Chennai 600 009

+1cc to Government Pleader, Advocate, S.R.No.7175
+1cc to Mr.R.Mohan, Advocate, S.R.No.6992
+1cc to Mr.G.Anantharangan, Advocate, S.R.No.7020

सत्यमेव जयते

W.P. No.3255 of 2015

(CO)
krd(26.2.2015)

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