

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.32564 of 2015 and M.P. No.1 of 2015

E.M.PR. Muthappan

..Petitioner

Vs.

- 1 Corporation of Chennai
represented by its Commissioner
Ripon Buildings
Chennai 600 003
- 2 The Executive Engineer
Enforcement - Region (Central)
Corporation of Chennai
II Cross Street
Shenoy Nagar
Chennai 600 030
- 3 Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development
Fort St. George
Chennai 600 009

..Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking, sealing and demolition dated 01.09.2015 with regard to the building put up at Door No.22, North Mada Street, Mylapore, Chennai 600 004, pending determination of the Revision Petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 12.09.2015 with the third respondent.

For petitioner Mr. P. Ramanathan

For RR 1 & 2 Mr. V.C. Selvasekaran, Standing Counsel

For R3 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 1 and 2. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the third 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 respondents 1 and 2 from initiating any coercive action pursuant to the locking, sealing and demolition notice dated 01 September 2015 with regard to the building put up at Door No.22, North Mada Street, Mylapore, Chennai 600 004, pending determination of the revision petition dated 12.09.2015 filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act (for short "the Act") before the third respondent.

3. From a perusal of the records, it is seen that the Corporation of Chennai has issued a locking, sealing and demolition notice on 01 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 third respondent under Section 80-A of the Act on 12 September 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 third 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., 13 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.

Cad

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 2 The Executive Engineer
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- 3 The Secretary to Government
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Fort St. George
Chennai 600 009

+1 C.C. To MR.R.Mohan Advocate in SR.NO.55875

+1 C.C. To MR.R.Arunmozhi, Advocate in SR.NO.56147

+1 C.C. To Government Pleader in SR.NO.56643

W.P.No.32564 of 2015

SVN (CO)

sd : 27/10/2015

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