

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14/10/2015

C O R A M

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

W.P.No.32720 of 2015
and
M.P.No.1 of 2015

1. Prakash Chand Patni
 2. Ratan Ben
 3. Himmatmal Patni
 4. Santosh Bai
 5. Dilip Kumar R. Prajapatgi
 6. Kanakraj Bhandari
 7. Pavani P. Jain
- Petitioners

Vs

1. Chennai Metropolitan Development Authority
rep. By its Member Secretary
No.1 Gandhi Irwin Road
Egmore
Chennai 600 008.
 2. The Corporation of Chennai
rep. By its Commisisoner
Rippon Building
Chennai 600 003.
 3. The 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 for the issuance of a writ of mandamus to

forbear the first and second respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old Door No.126 New No.133 Chandra Prabu Apartments, Annapillai Street, George Town, Sowcarpet, Chennai 600 001 pending determination of the revision petition submitted by the petitioners under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 22/9/2015.

For Petitioners : Mr.P.Ramanathan

For Respondents : Mr.K.Rajasrinivas - R.1.

Mr.A.Nagarajan - R.2.

Mrs.A.Srijayanthi,
Special Government Pleader - R.3

O R D E R

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

Mr.K.Raja Srinivas, learned counsel accepts notice for the first respondent. Mr.A.Nagarajan, learned counsel accepts notice for the second respondent. Mrs.A.Srijayanthi, 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 direction to the respondents 1 and 2 to forbear them from interfering with the petitioner's building in question, till the disposal of the petitioner's revision petition dated 22 September, 2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short " The Act") before the third respondent.

3 From a perusal of the records, it is seen that the Chennai Corporation has issued a locking, sealing and demolition notice dated 27 August, 2015, under Sections 56 and 57 read with Section 85 of the Act against the petitioner. Thereagainst, the petitioner has preferred a revision petition before the third respondent under Section 80-A of the Act on 29 September, 2015, which is pending consideration. It is further seen that along with the said revision petition, 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 the revision petition 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 revision petition 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 29 September, 2015, passed by this Court 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., 14 October, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ra.

To

1. The Member Secretary,
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Egmore, Chennai 600 008.

2. The Commissioner, Corporation of Chennai
Rippon Building, Chennai 600 003.

3. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai 600 009.

+1 cc to Mr.R.Mohan, Advocate, sr.56343
+1 cc to Mr.A.Nagarajan, Advocate, sr.56319
+1 cc to Mr.K.Raja Srinivas, Advocate, sr.56363
+1 cc to Government Pleader, sr.57152

W.P. No.32720 of 2015

kgk co
kra 29/10/2015

1 W.P.No.16392 of 2015 batch