

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.32721 of 2015
and
M.P.No.1 of 2015

V.K. Chandrasekar

...Petitioner

Vs.

1. The Secretary to the
Government,
Housing and Urban Development
Department, Fort St. George,
Chennai.9.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore, Chennai.8.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 2nd respondent to forbear them from in anyway interfering with the petitioner's property at No.7 Audiappa Naicken Street, Chennai 600 001, particularly by way of locking sealing and demolition in pursuance of the notice in Letter No.EC/ EA.N-1/ 8181/2015, dated 28.7.2015 during the pendency of petitioner's appeal/revision dated 14.9.2015 on the file of the 1st respondent

For petitioner :Mr. S. Santosh

For respondents:Mrs. A. Srijayanthi

Special Government Pleader for R1
Mr. K. Raja Srinivas - R2

ORDER

(Delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, appears for the first respondent. Mr. K. Raja Srinivas, learned counsel appears for the second respondent. With the consent

of the learned counsel for the parties, the writ petition is taken up for final disposal.

2 This writ petition is filed seeking a direction to the second respondent to forbear them from in anyway interfering with the petitioner's property in question, by way of locking, sealing and demolition notice dated 28.7.2015 during the pendency of petitioner's appeal/revision dated 14.09.2015 on the file of the first respondent.

3 From a perusal of the records, it is seen that the second respondent has issued a locking, sealing and demolition notice dated 28 July, 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 14 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 the 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 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.

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

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ra.

To

1. The Secretary to the
Government,
Housing and Urban Development
Department, Fort St. George,
Chennai.9.

2. The Member Secretary,
Chennai Metropolitan Development
Authority, No.I, Gandhi Irwin Road,
Egmore, Chennai-8.

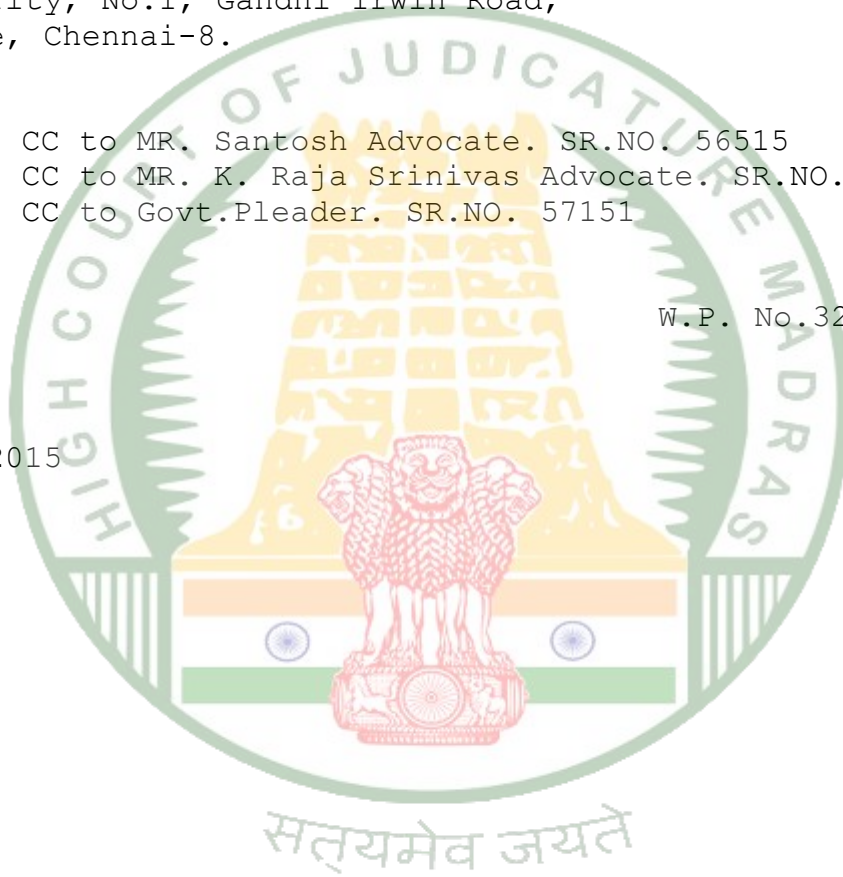
+1 CC to MR. Santosh Advocate. SR.NO. 56515

+1 CC to MR. K. Raja Srinivas Advocate. SR.NO. 56362

+1 CC to Govt.Pleader. SR.NO. 57151

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CO-MG
JD 30/10/2015



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