

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.32900 of 2015
a n d
M.P.No.1 of 2015

Swarnalatha Dhandapani
re. by her mother and power Agent
Mrs. D. Sivagami Sundari. Petitioner

Vs

1. Government of Tamil Nadu
rep. By its Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009.
2. Corporation of Chennai
represented by its Commissioner
Rippon Buildings
Chennai 600 003.
3. Corporation of Chennai
rep. By its Regional Deputy
Commissioner (South)
Enforcement Cell
Adyar, Chennai 600 020. ... Respondents

Writ petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of mandamus to direct the second and third respondents to forbear them from interfering with the building put up by the petitioner at Plot No.25/26 Door No.40/41 Sri Venkatasubramani Nagar, 1st Main Road, Valasaravakkam, Chennai 600 087 particularly by way of locking and sealing and demolition action, pending determination of the petitioner's appeal under Section 80-A and 8-A(3) dated 29/9/2015 by the first respondent.

For Petitioner : Mr.C.Selvakumar

For Respondents: Mrs.A.Srijayanthi
Special Government Pleader for R.1

Mr.V.C.Selvasekaran for R.R.2 and 3.

- - - - -

O R D E R

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

Mrs.A. Srijayanthi, learned Special Government Pleader, appears for the first respondent. Mr. V.C. Selvasekaran, learned counsel appears for the respondents 2 and 3. 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 respondents 2 and 3 to forbear them from interfering with the petitioner's building in question, till the disposal of the petitioner's appeal dated 29 September, 2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short " The Act") before the first respondent.

3 From a perusal of the records, it is seen that the Chennai Corporation has issued a locking, sealing and demolition notice dated 10 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 29 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 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 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 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ra

To

1. The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Secretariat
Chennai 600 009.
2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003.
3. The Regional Deputy Commissioner
(South)
Corporation of Chennai
Enforcement Cell
Adyar
Chennai 600 020.

+1 cc to Mr.D.S.Rajasekaran, Counsel for the Petitioner
sr.56342
+1 cc to Government Pleader sr.57154/15

W.P. No.32900 of 2015

aa27/10/2015

1 W.PNo.16392 of 2015 batch