

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.32982 of 2015

and

M.P.No.1 of 2015

Thiru.Lakshmi Narayan Kakada ... Petitioner

Vs

1. The Secretary to the Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Egmore
Chennai 600 008.

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the second respondent to forbear from in any way interfering with the petitioner's property at Old Door No.343/1 New Door No.348 Mint Street, Chennai 600 001 particularly by way of locking, sealing and demolition in pursuance of the Notice in Letter No.EC/EA/N-1/8822/2015 dated 31/7/2015; during the pendency of petitioner's appeal dated 26/8/2015 on the file of the first respondent.

For Petitioner : Mr.B.Vijay
for Mr.Mukund Rao

For Respondents: Mrs.A.Srijayanthi
Special Government Pleader for R.1
Mr.K.Raja Srinivas for R.2

O R D E R

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

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. K. Raja Srinivas, learned counsel, accepts notice for the second 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 second respondent to forbear them from in any way interfering with the petitioner's property in question pursuant to locking, sealing and demolition notice dated 31 July, 2015 during the pendency of the appeal dated 26.08.2015 on the file of the first respondent.

3. Pursuant to the locking, sealing and demolition notice dated 31 July, 2015 issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, (for short "the Act"), the petitioner is entitled to prefer a revision under Section 80-A of the Act, as held by this Bench vide order dated 29 September, 2015, in Lalithkumar C.Soni - vs. Government of Tamil Nadu and others¹.

4. According to the learned counsel for the petitioner, the petitioner has preferred an appeal along with an application for interim relief, but, no decision has been taken even on the application for interim relief.

5. According to the learned counsel for the second respondent, the entire structure has come up without planning permission and as such, no stay can be granted even for two weeks.

6. Be that as it may, on a perusal of the application for interim relief, it is found that no material details have been mentioned therein. We are not inclined to adjudicate the issue at this stage when the application for interim relief is pending consideration. However, the facts stated by the learned counsel for the second respondent are required to be examined by the Appellate Authority, while considering the application for interim relief.

7. Accordingly, we direct the Appellate Authority, viz., 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 petitioner's appeal on its own merits and in accordance with law, within the statutory period in the light of the order dated 29 September, 2015, passed by this Court in Lalithkumar C.Soni (supra). 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.

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

Sd/-
Assistant Registrar (CS-V)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to the Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008.

+1 C.C. To MR.Mukund Rao, Advocate in SR.NO.56517

+1 C.C. To MR.K.Rajasrinivas, Advocate in SR.NO.56361

+1 C.C. To Government Pleader in SR.NO.57143

W.P.No.32982 of 2015

GJ(CO)
sd : 30/10/2015

सत्यमेव जयते

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