

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.10.2015

CORAM

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

AND

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.33873 & 33874 OF 2015 &
M.P.Nos.1 & 2 of 2015

S.Sharath Babu ... Petitioner in W.P.No.33873 of 2015

1.Kamala Bai

2.Nitesh Kumar ... Petitioners in W.P.No.33874 of 2015

Vs

1 Corporation of Chennai
Rep by its Commissioner
Ripon Buildings, Chennai 600 003. R1 in both WPs

2 The Executive Engineer
Enforcement - Region (Central)
Corporation of Chennai
2nd Cross Street, Shenoy Nagar,
Chennai 600 030. ...R2 in WP.NO.33873/15

2. The Executive Engineer
Town Planning (Enforcement)
O/o Regional Deputy Commissioner (North)
Corporation of Chennai
Basin Bridge Road
Chennai-600 021 ...R2 in WP.33874/15

3. Government of Tamil Nadu
Rep by its Secretary to Government
Housing and Urban Development
Fort St. George, Chennai 600 009.
.. Respondents 3 in both W.Ps

PRAYER IN W.P.No.33873 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issue of writ of mandamus to forbear the respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking sealing and demolition with regard to the building put up at No.110/72 Theyagaraya Road T.Nagar Chennai 17 pending

determination of the Revision Petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dt 26.9.2015 with the 3rd respondent.

PRAYER IN W.P.No.33874 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issue of writ of mandamus to forbear the respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking sealing and demolition with regard to the building put up at "Shanthi Nivas" No.104, Narayana Mudali Street, Sowcarpet, Chennai 600 001, pending determination of the Revision Petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 06.10.2015.

For Petitioners : Mr.R.Mohan

For Respondents : Mr.A.Nagarajan - R1 & R2

Mr.K.V.Dhanapalan, - R3
Addl. Govt. Pleader

C O M M O N O R D E R

(Order of the Court was made by T.MATHIVANAN,J)

Since the issue involved in both the writ petitions and the respondents are one and the same, with the consent of the learned counsel appearing for the parties, both the writ petitions are taken up together and a common order is passed at the admission stage itself.

2.The first respondent herein has issued locking, sealing and demolition notices dated 16.09.2015 & 14.11.2014 respectively, against the petitioners under sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning act, 1971 (for short "the Act").

3.From a perusal of the records, it is seen that the petitioners have already preferred appeals before the third respondent herein on 26.09.2015 & 06.10.2015, respectively, against the said notices referred to above, which are pending consideration. It is further seen that along with the said appeals, the petitioners have also filed applications 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 appeals are filed along with the applications for interim relief, the officers are well advised to consider the applications 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 petitioners' applications for interim relief as early as possible, preferably within a period of two weeks from today and also to consider the appeals within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. There shall be a order of status quo as on today for a period of two weeks.

With the above directions, the Writ Petitions are disposed of. No costs. Connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rg/rpa

To

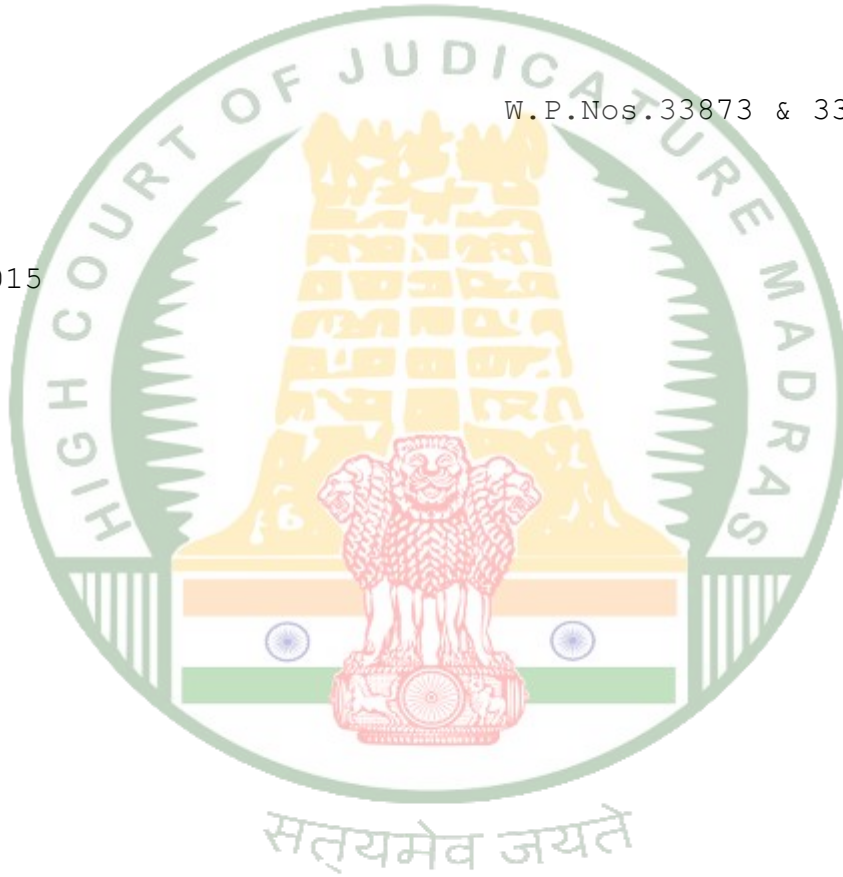
- 1 Corporation of Chennai
Rep by its Commissioner
Ripon Buildings, Chennai 600 003.
- 2 The Executive Engineer
Enforcement - Region (Central)
Corporation of Chennai
2nd Cross Street, Shenoy Nagar,
Chennai 600 030.
- 3 Government of Tamil Nadu
Rep by its Secretary to Government
Housing and Urban Development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

4. The Executive Engineer
Town Planning (Enforcement)
O/o Regional Deputy Commissioner (North)
Corporation of Chennai
Basin Bridge Road,
Chennai-600 021

+2 ccs to Mr.R.Mohan Advocate sr.57788 & 57789

W.P.Nos.33873 & 33874 OF 2015

aa27/10/2015



WEB COPY