

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.35243 of 2015 and M.P. No.1 of 2015

Nainmal Jain

Petitioner

Vs.

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

2 The Government of Tamil Nadu
represented 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 for issuance of a writ of mandamus forbearing the first respondent or anybody on their behalf from initiating any coercive action of locking, sealing and demolition with regard to the building put up at Old No.162, New No.329 and 331, Mint 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 16.10.2015 with the second (sic) respondent.

For petitioner Mr. R. Mohan

For R1

Mr. K. Raja Srinivas, Standing
Counsel

For R2

Mr. N. Sakthivel, Govt. Advocate

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O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. K. Raja Srinivas, learned Standing Counsel, accepts notice for the first respondent. Mr. N. Sakthivel, learned Government Advocate, 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 writ of mandamus forbearing the first respondent from initiating any coercive action of locking, sealing and demolition with regard to the building put up Old No.162, New No.329 and 331, Mint Street, Sowcarpet, Chennai 600 001, pending determination of the petitioner's revision petition filed under Section 80-A of the Tamil Nadu Town and Country Planning Act (for short "the Act") on 16 October 2015.

3 From a perusal of the records, it is seen that the first respondent, viz., Chennai Metropolitan Development Authority has issued a locking, sealing and demolition notice on 30 September 2015 under Sections 56 and 57 read with Section 85 of the Act against the petitioner. Thereagainst, the petitioner has preferred a revision before the second respondent under Section 80-A of the Act on 16 October 2015, which is pending consideration. It is further seen that along with the said revision, 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 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 second 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 revision 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 29th September 2015 passed by a Division Bench 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., 02 November 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties and the petitioner is restrained from making any further construction in the property in question.

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

To

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

+1 cc to Mr.R.Mohan Advocate sr.59637

+1 cc to Mr.K.Raja Shrinivas Advocate sr.59935

सत्यमेव जयते

W.P. No.35243 of 2015

aa17/11/2015

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1 W.A.Nos. 16392 of 2015 batch.