

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2015

CORAM:

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

W.P. No.35487 of 2015 and M.P. No.1 of 2015

1. Mohamed UI Bakir
2. Jafrus Sadik

Petitioners

Vs.

- 1 Government of Tamil Nadu
represented by its Secretary to Government
Ministry of Housing and Urban Development
Fort St. George,
Madras 600 009

- 2 The Member Secretary,
Chennai Metropolitan Development Authority
Egmore.

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to dispose of the appeal dated 08.10.2015 filed as against the order of the second respondent in Letter No. EC/EA/N-1/5589/2015, dated 09.04.2015.

For petitioners Mr. V. Raghavachari

For R1 Mr. N. Sakthivel
Special Government Pleader

For R2 Mr. K. Raja Srinivas, Standing
Counsel

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O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the first respondent. Mr. K. Raja Srinivas, learned Standing 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.

2 This writ petition is filed seeking a direction to the first respondent to dispose of the appeal (sic) application dated 08 October 2015 filed as against the order of the second respondent in Letter No. EC/EA/N-1/5589/2015, dated 09 April 2015.

3 From a perusal of the records, it is seen that the second respondent, viz., Chennai Metropolitan Development Authority, has issued a locking, sealing and demolition notice on 25 September 2015 under Sections 56 and 57 read with Section 85 of the Town and Country Planning Act, 1971 (for short 'the Act') against the petitioners. Thereagainst, the petitioners have preferred an application before the first respondent under Section 80-A of the Act on 07 October 2015, which is pending consideration. It is further seen that along with the said application, the petitioners have 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 an application, as aforesaid, 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 petitioners' application for interim relief as early as possible, preferably within a period of two weeks and also to consider the petitioners' main application 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 of this Court, wherein, one of us (Satish K. Agnihotri, J.) was a Member, 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., 23 November 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties and the petitioners are restrained from making any further construction in the property in question.

1 W.PNos. 16392 of 2015 batch.

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

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s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat
Chennai 600 009
 - 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- + 2 ccs to Mr.V.Raghavachari, Advocate SR 63363
- + 1 cc to Govt.Pleader SR 63562
- + 1 cc to Mr.K.Raja Shrinivas Advocate SR 63746

ctk(co)
prk8/12

W.P. No.35487 of 2015

सत्यमेव जयते

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