

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM:

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

W.P.No.35501 of 2015

M/s. R.R.P. Housing Private Ltd.,
rep. By its Managing Director,
N. Padmanabhan,
No.12/6 Achuthan Nagar,
1st Street, Old Poonamallee Road,
Ekkatuthangal, Chennai 600 032. Petitioner

Vs

1. The Urban and Housing Development
Department, rep. By its Secretary,
Fort St. George, Chennai.9.
2. The Deputy Director,
O/o the Deputy Director of Town and
Country Planning,
Chengelpet Division,
No.124 G.S.T. Road,
Chengelpet 603 001. Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the 1st respondent to hear and pass orders in the stay petition filed in the appeal dated 5.10.2015 on the file of 1st respondent against the order made in Na.Ka.No.1693/2015/Proc.3 dated 2.9.2015 and the consequential order made in Na.Ka.No.1693/2015/Proc.3 dated 23.9.2015 by the 2nd respondent.

For Petitioner : Mr.G. Ethirajulu
For Respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI, J.,)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. 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 first respondent to pass orders in the stay petition filed under Section 80-A (3) of the Tamil Nadu Town and Country Planning Act, 1971 (for short " The Act") in the appeal dated 05.10.2015 against the order dated 02.09.2015 and the consequential order dated 23.09.2015 passed by the second respondent.

3 From a perusal of the records, it is seen that the second respondent has issued a stop work notice dated 02 September, 2015, under Sections 56 and 57 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 05 October, 2015, which is pending consideration. It is further seen that along with the said appeal petition, 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., 02 November, 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.

Sd/-
Assistant Registrar (CS-II)

True Copy

Sub Assistant Registrar

To

1. The Urban and Housing Development
Department, rep. By its Secretary,
Fort St. George, Chennai.9.
2. The Deputy Director,
O/o the Deputy Director of Town and
Country Planning,
Chengelpet Division,
No.124 G.S.T. Road,
Chengelpet 603 001.

+1cc to M/s.G.Ethirajulu, Advocate Sr.60145
+1cc to The Government Pleader, SR.60284

W.P. No.35501 of 2015

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srg 5/11/2015

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¹ W.P.No.16392 of 2015 batch