

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR.JUSTICE P. DEVADASS

W.P.No.35880 of 2015 and M.P. No.1 of 2015

Dr. Geetha Devadas

Petitioner

Vs.

- 1 The State of Tamil Nadu
represented by its Secretary
Housing and Urban Development Department
Secretariat
Fort St. George, Chennai 600 009
- 2 The Member Secretary, C.M.D.A.
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road, Egmore
Chennai 600 008
- 3 The Commissioner
Corporation of Chennai
Park Town
Chennai 600 003
- 4 The Regional Deputy Commissioner (Central)
Corporation of Chennai
Cross Street (East) Pulla Avenue)
Shenoy Nagar
Chennai 600 030
- 5 The Executive Engineer
Enforcement Region Central
Corporation of Chennai
Cross Street (East) Pulla Avenue
Shenoy Nagar
Chennai 600 030

6 V.Vyas

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the impugned notice dated 14.10.2015 in reference No.REGIONCENTRAL/TPENF/1308/2015 on the file of the fifth respondent

and to quash the same and direct the second respondent to consider the regularisation application along with the revised plan submitted by the petitioner's mother on 29.06.2002 in Ref.No.D12/1382/02.

For petitioner Mr. J.R.K. Bhavanantham

For R1 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For R2 Mr. K. Raja Srinivas, Standing Counsel

For RR 3-5 Mr. A. Nagarajan, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

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 calling in question, the justifiability of the locking, sealing and demolition notice dated 14 October 2015 issued by the fifth respondent under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") and for a direction to the second respondent to consider the petitioner's regularisation application along with the revised plan submitted by the petitioner's mother on 29 June 2002.

3. Today, when the matter is taken up for hearing, it is stated at the Bar that assailing the locking, sealing and demolition notice dated 14 October 2015 impugned in this writ petition, the petitioner has filed an application under Section 80-A of the Act before the first respondent-Government and the same is pending consideration.

4. In such view of the matter, we are not inclined to interfere with the impugned notice, at this stage. However, if the petitioner's application under Section 80-A of the Act is pending consideration, the same shall be considered 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. Further, if there is an application filed under Section 80-A(3) seeking interim relief, the same shall be considered within a period of two weeks. It is made clear that for a period of two weeks from today, i.e., 17 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.

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

Sd/-
Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Secretary
Housing and Urban Development Department
Govrenment of Tamil Nadu
Secretariat
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Chennai 600 030

+1 C.C. MR.J.R.K.Bhavanantham, Advocate in SR.NO.62005

+1 C.C. MR.A.Nagarajan, Advocate in SR.NO.62127

+1 C.C. MR.K.Raja Shrinivas, Advocate in SR.NO.62540

W.P.No.35880 of 2015

TM(CO)
sd : 26/11/2015