

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2015

CORAM:

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

W.P. No.38315 of 2015
and
M.P. No.1 of 2015

.....

Dr. D. Masthan

... Petitioner

Vs.

1 Government of Tamil Nadu
represented by Secretary to Government,
Housing and Urban Development
Secretariat,
Chennai 600 009

2 Chennai Metropolitan Development Authority,
rep. By its Member Secretary,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 2nd respondent to forbear them from in any way interfering with the premises bearing Old S.No.121/4, New S.No.271/7, Door No.4/833, GNT Road, M.A.Nagar, Padiyanallur Village, Redhills, Chennai.52, particularly by way of locking and sealing and or demolition of the same, pending final determination of petitioner's application under Section 80(A) of the Town and Country Planning Act, 1971 dated on 16.10.2015 before the first respondent.

For petitioner : Mr.D.S. Rajasekaran

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

For R2 : Mr. K. Raja Srinivas

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. K. Raja Srinivas, learned 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, at the admission stage itself.

2. This writ petition is filed seeking a writ of mandamus forbearing the second respondent from in any way interfering with the premises bearing Old S.No.121/4, New S.No.271/7, Door No.4/833, GNT Road, M.A.Nagar, Padiyanallur Village, Redhills, Chennai.52, particularly, by way of locking and sealing and or demolition of the same, pending final determination of the petitioner's application dated 16 October, 2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") before the first respondent.

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 23 September 2015 under Sections 56 and 57 read with Section 85 of the Act against the petitioner. Thereagainst, the petitioner has preferred an application before the first 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 application, 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 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 petitioner's application for interim relief as early as possible, preferably within a period of two weeks and also to consider the petitioner's 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., 01 December 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.

ra

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu
Housing and Urban Development
Secretariat,
Chennai 600 009
 2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.
- + 1 cc to Mr.D.S.Rajasekaran, Advocate Sr 65133.
- + 1 cc to Mr. K.Raja Srinivas, Advocate Sr 65491.

SVI/CO
KR/18/12

सत्यमेव जयते

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