

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

CORAM:

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

W.P. No.38974 of 2015 and M.P. No.1 of 2015

Sardar Sunderpal Singh Chadha,
22 Muthilal Reddy Street,
Alandur, Chennai.16. ...Petitioner

Vs.

- 1 The Government of Tamil Nadu
represented by the Secretary
to Government,
Ministry of Urban and Housing
Development,
Fort St. George,
Chennai 600 009
- 2 The Corporation of Chennai,
rep. By its
Regional Deputy Commissioner (South),
Enforcement Cell, Adyar,
Chennai 600 020.
- 3 The Executive Engineer,
TP (Enforcement),
Office of the Regional
Joint Commissioner(South),
Corporation of Chennai,
No.115, Dr. Muthulakshmi Salai,
Adyar, Chennai 600 020. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the first respondent to dispose of the appeal dated 24.11.2015 within the specified time fixed by this Court.

For petitioner Mr. V. Raghavachari

For R1 Mr. A. Srijayanthi
 Special Government Pleader
For R2 & R3 Mr. A. Nagarajan

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanth, learned Special Government Pleader, accepts notice for the first respondent. Mr. A. Nagarajan, learned Counsel, accepts notice for the respondents 2 and 3. 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 directing the first respondent to dispose of the appeal (sic) application dated 24.11.2015 within the specified time to be fixed by this Court.

3 From a perusal of the records, it is seen that the third respondent, viz., The Executive Engineer, Corporation of Chennai, has issued a locking, sealing and demolition notice on 12 November 2015 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") against the petitioner. Thereagainst, the petitioner has preferred an application before the first respondent under Section 80-A of the Act on 24 November 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., 11 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.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government,
Government of Tamil Nadu
Ministry of Urban and Housing Development,
Fort St. George,
Chennai 600 009
- 2 The Regional Deputy Commissioner (South),
Corporation of Chennai,
Enforcement Cell, Adyar,
Chennai 600 020.
- 3 The Executive Engineer,
TP (Enforcement),
Office of the Regional Joint Commissioner(South),
Corporation of Chennai,
No.115, Dr. Muthulakshmi Salai,
Adyar, Chennai 600 020.

+ 1 cc to Mr.V. Raghavachari, Advocate R.66835
+ 1 cc to Government Pleader Sr.66740

W.P. No.38974 of 2015

GJ(CO)
Eu 28.12.15

1 W.PNos. 16392 of 2015 batch.