

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2015

CORAM:

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

W.P. Nos.39514 to 39523 of 2015 and M.P. Nos.1 & 2 of 2015

WP No. 39514 of 2015 to WP.39523 of 2015

P. Sathish Petitioner in all WPs

Vs.

- 1 The Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development Department
Fort St. George,
Chennai 600 009
- 2 The Commissioner,
Chennai Corporation,
Rippon Building,
Chennai 600 003.
- 3 The Executive Engineer,
Regional Joint Commissioner (South),
(Enforcement Cell),
Adyar, Chennai.20. Respondents in all WPs

WP.NOs.39514 to 39523 of 2015:

Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in Notice No.10457/1 No.10457/2,10457/3,10457/4,10457/5,10457/7,10457/8,10457/9, 10457/10 and 10457/11 respectively dated 6.11.2015 is illegal and quash the same and forbearing the 3rd respondent from intervening the peaceful possession by way of Lock and Seal to the premises bearing Door No.64/64(3) L.B.Road Thiruvanmiyur Village.

For petitioner in
all WPs Mr. G. Ranganathan

For R1 in
all WPs Mrs. A. Srijoyanthi
Special Government Pleader

For R2 & R3 in
all WPs Mr. R. Arunmozhi

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COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijoyanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. R. Arunmozhi, learned Counsel, accepts notice for the respondents 2 and 3. With the consent of the learned counsel for the parties, these writ petitions are taken up for final disposal at the admission stage itself.

2 The petitioner has come up with the instant writ petitions, assailing the legality and validity of the de-occupation notices dated 06 November, 2015 issued by the third respondent, viz., The Executive Engineer, Regional Joint Commissioner (South) (Enforcement Cell), Adyar, Chennai, under Sections 56 2(A) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") and also to forbear the third respondent from interfering with the peaceful possession of the properties in question by way of Lock and Seal to the premises bearing Door No. 64/64(3) L.B.Road, Thiruvanniyur Village.

3 Concededly, assailing the impugned de-occupation notices dated 06 November 2015, the petitioner has already preferred revisions (sic) applications before the first respondent-Government under Section 80-A of the Act on 16 November, 2015, which are pending consideration. It is also not in dispute that along with the said applications, the petitioner has also filed applications for interim stay in terms of the provisions of Section 80-A(3) of the Act. Thus, when the orders impugned herein are already under assail before the first respondent-Government, no adjudication is required at this stage.

4 However, we are of the considered view that if applications, as aforesaid, are filed along with the applications for interim relief, the officers are well advised

to consider the applications 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 applications for interim relief as early as possible, preferably within a period of two weeks and also to consider the petitioner's main applications within the statutory period prescribed under the provisions of law, on their own merit 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., 18 December 2015, status quo as obtained today, in respect of the properties 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 petitions are disposed of. No costs. Connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1 The Secretary to Government of TamilNadu
Housing and Urban Development Department
Fort St. George,
Chennai 600 009

2 The Commissioner,
Chennai Corporation,
Rippon Building,
Chennai 600 003.

1 W.PNos. 16392 of 2015 batch.

3 The Executive Engineer,
Regional Joint Commissioner (South),
(Enforcement Cell),
Adyar, Chennai.20.

+1 cc to M/S.R.Arunmozhi Advocate sr.68376
+1 cc to M/S.G.Ranganathan Advocate sr.68238
+1 cc to the Government Pleader sr.68835

W.P. Nos.39514 to 39523 of 2015

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