

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM:

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

W.P. No.40183 of 2015

and

M.P. No.1 of 2015

Navata Road Transport
A partnership firm
represented by its Manager - Operations
No.5/427A, Thiruvallore High Road
Alamathi
Red Hills, Chennai 600 052 Petitioner

Vs.

1. The Government of Tamil Nadu
represented by Secretary to the Government
Housing and Urban Development Department
Fort St. George, Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
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 forbearing the second respondent from taking any action pursuant to the proceedings in letter No.EC/EN-II/18526/2015 dated 23.11.2015 in respect of the petitioner's building at Door No.5/427A (wrongly mentioned as Door No.427/A in the said proceedings) at Thiruvallur High Road, Alamadhi, Red Hills, Chennai, till the application of the petitioner dated 14.12.2015 under the special provisions of Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 is disposed of by the first respondent.

For petitioner : Mr.Ar. L. Sundaresan, Sr. Counsel
for M/s. Al. Ganthimathi

For R1 : Mr. N. Sakthivel,
Government Advocate

For R2 : Mr. K. Raja Srinivas,
Standing Counsel

O R D E R
(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the first respondent. Mr. K. Raja Srinivas, learned Standing 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 taking any action pursuant to the proceedings in letter No.EC/EN-II/18526/2015 dated 23 November 2015 in respect of the petitioner's building at Door No.5/427A (wrongly mentioned as Door No.427/A in the said proceedings) at Thiruvallur High Road, Alamadhi, Red Hills, Chennai, till the petitioner's application dated 14 December 2015 filed under the special provisions of Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") is disposed of by 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 November 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 14 December 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 an 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., 21 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.

With the above directions, the writ petition stands disposed of sans costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cad

To

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

¹ W.PNos. 16392 of 2015 batch.

2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

+1cc to M/s. Al. Ganthimathi, Advocate, S.R.No.69110
+1cc to Mr.K. Raja Srinivas, Advocate, S.R.No.69048
+1cc to the Government Pleader, S.R.No.69252

W.P. No.40183 of 2015

NM(CO)
CA(07/01/2016)



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