

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2015

CORAM

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

AND

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

WP.No.40977/2015 & MP.No.1/2015

B.Lakshmi Narasimhan .. Petitioner

Vs.

1. Government of Tamilnadu rep by its
Secretary to Government
Housing and Urban Development
Department, Secretariat, Chennai-9.

2. Chennai Metropolitan Development Authority
rep.by its Member Secretary
No.1, Gandhi Irwin Road, Egmore
Chennai-8.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to forbear them from in any way interfering with the buildings put up at 572/2, Manikandapuram, 3rd Main Road, of Thirumullaivoyal village, Chennai-62, particularly by way of locking and sealing and demolition of the same, pending final determination of the petitioner's application u/s.80[A] and 80 [A][3] of the Town and Country Planning Act, 1971 dated 18.12.2015 by the 1st respondent.

For Petitioner .. Mr.D.S.Rajasekaran
For R1 .. Mr.T.N.Rajagopalan, Spl.GP
For R2 .. Mr.K.Raja Srinivas

ORDER

[Order of the Court was made by S.VAIDYANATHAN, J.]

The petitioner has come forward with this writ petition seeking for the relief of a writ of mandamus to direct the 2nd respondent to forbear them from in any way interfering with the buildings put up at 572/2, Manikandapuram, 3rd Main Road, of Thirumullaivoyal village, Chennai-62, particularly by way of

locking and sealing and demolition of the same, pending final determination of the petitioner's application u/s.80[A] and 80 [A][3] of the Town and Country Planning Act, 1971 dated 18.12.2015 by the 1st respondent.

2 Heard the learned counsel for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader accepting notice on behalf of the 1st respondent and Mr.K.Raja Srinivas, learned Standing counsel accepting notice on behalf of the 2nd respondent and with their consent, the writ petition is taken up for final disposal.

3 The 1st respondent herein has issued locking, sealing and demolition notice dated 30.11.2015 against the petitioner under section 56 & 57 read with section 85 of the Town and Country Planning Act, 1971 [for short "the Act"].

4 From a perusal of the records, it is seen that the petitioner has already preferred an appeal before the 1st respondent on 18.12.2015 against the said notice referred to above, which is pending consideration. It is further seen that along with the said appeal, the petitioner has also filed an application for interim stay in terms of the provisions of section 80[A][3] of the Act.

5 Without going into the merits of the case, we are of the considered view that if the appeal is filed along with the application for interim relief, the officers are well advised to consider the said application at the earliest, preferably within a period of two weeks, to avoid further complications.

6 Accordingly, we direct the 1st respondent to consider the petitioner's application dated 18.12.2015 for interim relief as early as possible, preferably within a period of two weeks from today and also to consider the appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. There shall be an order of status quo as on today, for a period of two weeks.

7 With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government
Government of Tamilnadu
Housing and Urban Development
Department, Secretariat, Chennai-9.

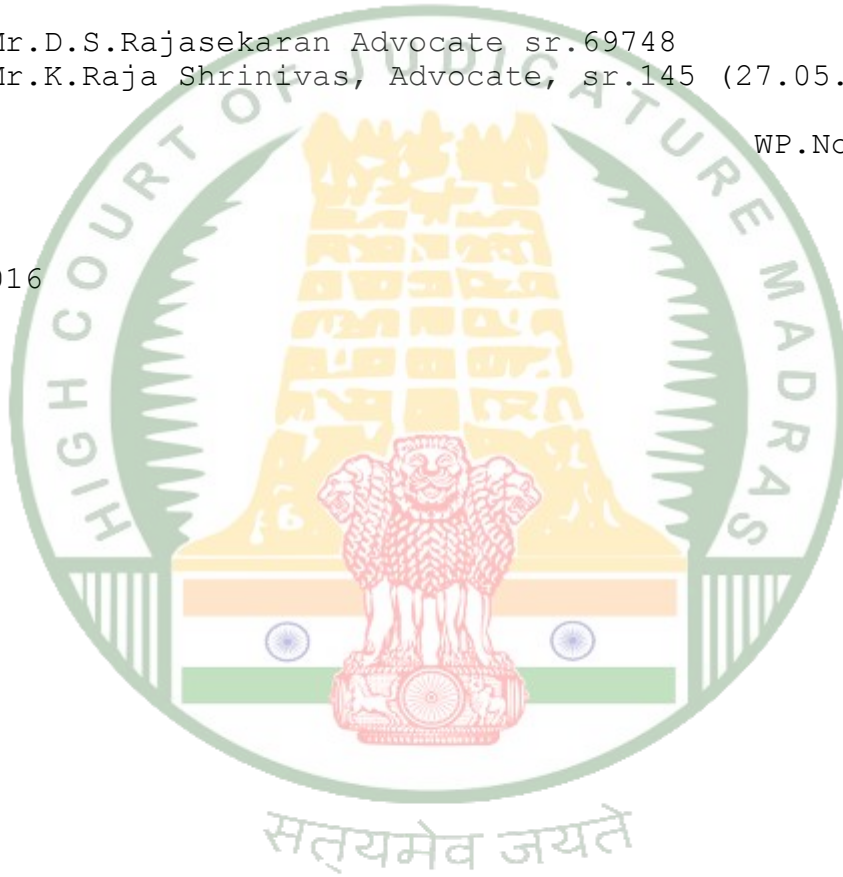
2.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore
Chennai-8.

+1 cc to Mr.D.S.Rajasekaran Advocate sr.69748

+1 cc to Mr.K.Raja Shrinivas, Advocate, sr.145 (27.05.2016)

WP.No.40977/2015

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