

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.4173 of 2015 and M.P. No.1 of 2015

1. P. Raghunandan

2. Ravi Prabhakar Petitioners

Vs.

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

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

3. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to consider on merits and dispose off the Revision Petition filed on 23.12.2014 under Section 80-A of Town and Country Planning Act 1971 against the Locking Sealing and Demolition Notice bearing Letter No.ES2/ 15135/2014 dated 23.10.2014 issued by the 2nd respondent to the Tenants of the petitioners Building and further forbear the respondents 2 and 3 from taking any enforcement action of the Locking Sealing and Demolition against the Petitioners building at No.6 (Plot No.3) Dr.Muthulakshmi Salai (L.B.Road) Adyar Chennai-20.

For petitioner : Mr. S.J. Jagadev

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

For R2 : Mr. N. Sampath

For R3 : Mr. G. Anantharangan

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

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. The second respondent has issued a notice dated 28-07-2014 against the petitioner under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"), whereby and whereunder, the petitioner has been asked to produce the copy of the approved plan within the stipulated time, failing which the authority will be constrained to initiate action as per the provisions of Tamil Nadu Town and Country Planning Act, 1971.

3. From a perusal of the records, it is seen that the petitioner has already filed a revision before the first respondent on 23-12-2015 against the aforesaid notice dated 28-07-2014, which is pending consideration. It is further seen that along with the said revision, the petitioner has also preferred an application for interim stay in view of the provisions of Section 80-A(3) of the Act.

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

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 from today and also to consider the petitioner's revision 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 obtained today, for a period of two weeks.

6 With the above directions, the writ petition is disposed of.
No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

GLP

To

1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George
Chennai -600 009
2. The Member-Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi- Irwin Road
Egmore, Chennai - 600 008
3. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003

+1cc to Mr.S.J.Jagadev, Advocate, S.R.No.8862
+1cc to Mr.N.sampath, Advocate, S.R.No.8722
+1cc to Mr.G.Anantharangan, Advocate, S.R.No.8707
+1cc to the Government Pleader, S.R.No.9028

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M.P.No.1/2015

VGI (CO)
CA(04/03/2015)