

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.4194 of 2015 and M.P. No.1 of 2015

P. Dhakshinamoorthy

Petitioner

vs.

1 State of Tamil Nadu
represented by its
Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009

2 The Corporation of Chennai
represented by its Commissioner
Ripon Building
Chennai 600 003

3 The Corporation of Chennai
represented by its Executive Engineer
T.P. Enforcement Regional Central
II Cross Street (East)
Pulla Avenue
Shenoy Nagar
Chennai 600 030

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 and 3 to forbear them from interfering with the building at New No.45, Old No.19, Aziz Mulk III Street, Thousand Lights, Chennai 600 006 in any manner, particularly by way of locking and sealing or demolition, pending determination of the stay petition under Section 80-A(3) of the Town and Country Planning Act, 1971 with the first respondent.

For petitioner Mr. D.S. Rajasekaran

For R1

Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For RR 2 & 3

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 third respondent has issued a locking, sealing and demolition notice dated 31.01.2015 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 remove the unauthorised construction within 30 days, failing which, it has been stated that due action will be taken by locking, sealing and demolishing the building in question.

3 From a perusal of the records, it is seen that the petitioner has already preferred an appeal before the first respondent on 03.02.2015 against the aforesaid notice dated 31.01.2015, which is pending consideration. It is further seen that along with the said appeal, 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 an appeal 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 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 obtained today, for a period of two weeks.

5 The writ petition is disposed of with the above direction and observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat, Chennai 600 009

2 The Commissioner
Corporation of Chennai
Ripon Building, Chennai 600 003

3 The Executive Engineer
Corporation of Chennai
T.P. Enforcement Regional Central
II Cross Street (East)
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Shenoy Nagar, Chennai 600 030

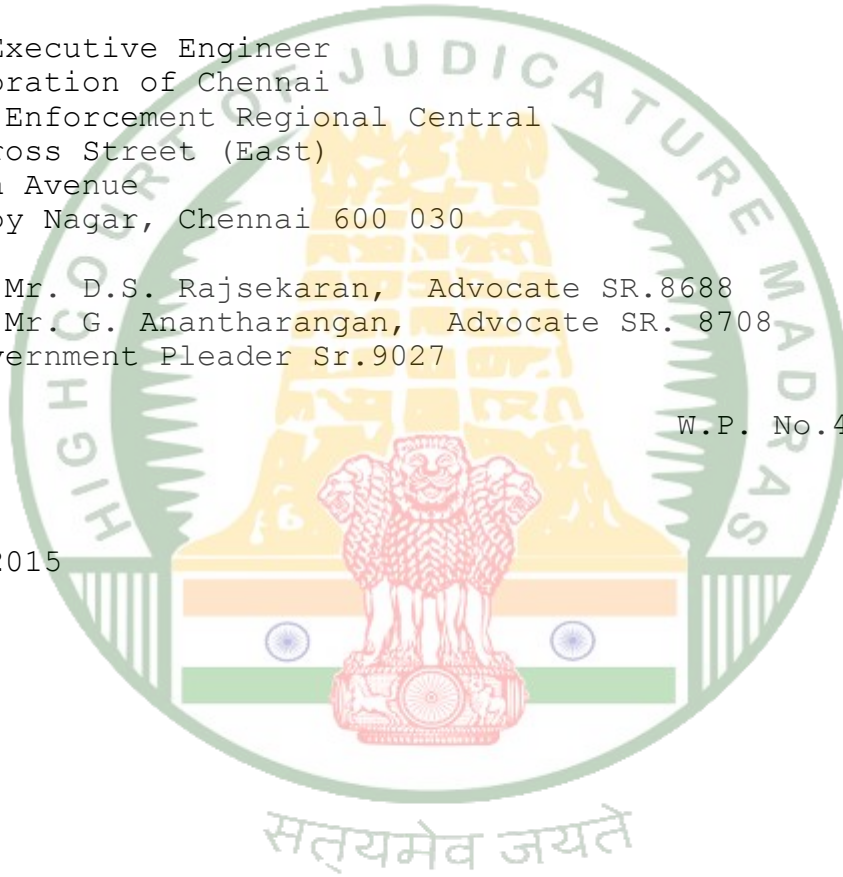
+ 1 cc to Mr. D.S. Rajsekaran, Advocate SR.8688

+ 1 cc to Mr. G. Anantharangan, Advocate SR. 8708

+ 1 cc Government Pleader Sr.9027

W.P. No.4194 of 2015

RK(CO)
EU 05.03.2015



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