

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

CORAM:

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

W.P. No.4802 of 2015 and M.P. Nos.1 & 2 of 2015

Syndicate Bank,
Mylapore Branch,
rep. By it's the Senior Branch Manager,
No.245, Ramakrishna Mutt Road,
Mylapore, Chennai 600 004.

Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development
Authority,
" Thalamuthu Natarajan Maaligai"
No.1 Gandhi Irwin Road,
Egmore, Chennai.8.
2. The Government of Tamil Nadu,
rep. By its Secretary,
Housing and Development Department,
Fort Saint George, Chennai 600 009.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified mandamus calling for the records in connection with the impugned order in letter No.ESI/8834/2014, dated 20.2.2015 of the first respondent and quash the same .

For petitioners Mr. K.V. Subramanian

Sr. Counsel

for M/s. K.V. Subramanian Associates

For respondents Mr. N. Sampath - R1

Mr. P.S.Sivashanmugasundaram

Spl. Govt. Pleader - R2

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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 first respondent has issued de-occupation notice dated 20.02.2015 against the petitioner under Section 56-2(A) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 From a perusal of the records, it is seen that the petitioner has already filed an appeal before the second respondent on 23.02.2015 against the aforesaid notice dated 20.02.2015, 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 the 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 second 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 his 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.

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

ra

-s/d-
Assistant Registrar(CS-II)
Dt:25/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Member Secretary,
Chennai Metropolitan Development
Authority,
" Thalamuthu Natarajan Maaligai"
No.1 Gandhi Irwin Road,
Egmore, Chennai.8.

2. The Secretary,
Government of Tamil Nadu,
Housing and Development Department,
Fort Saint George, Chennai 600 009.

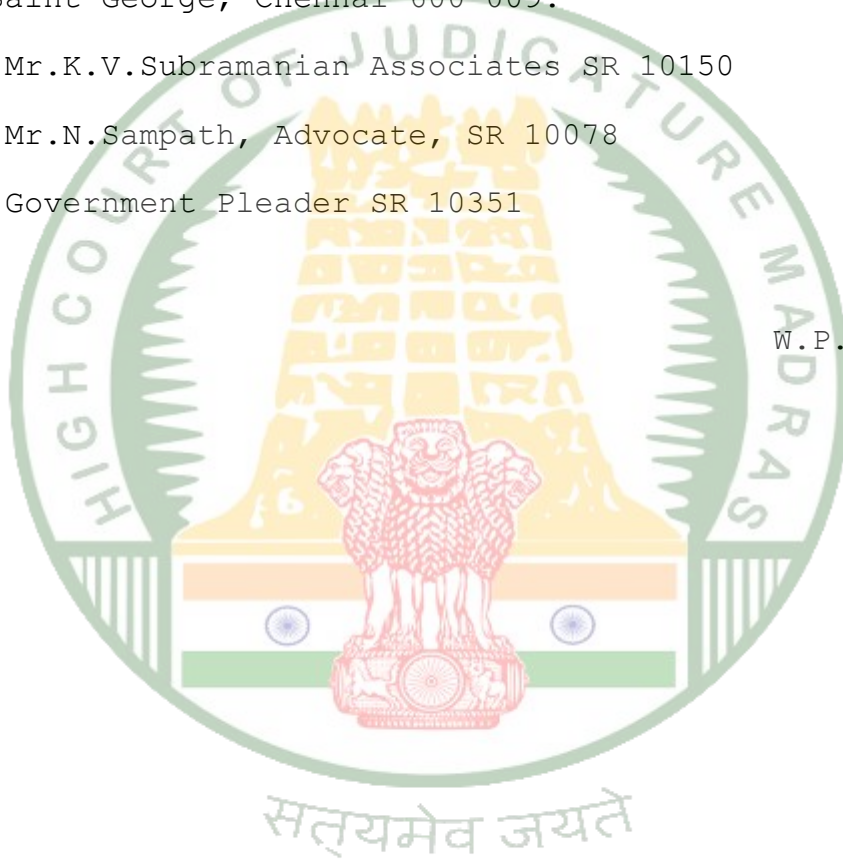
+ 1 cc to Mr.K.V.Subramanian Associates SR 10150

+ 1 cc to Mr.N.Sampath, Advocate, SR 10078

+ 1 cc to Government Pleader SR 10351

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W.P. No.4802 of 2015



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