

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.5095 of 2015

1. P. Rajan

2. P. Sudhakar

3. P. Sekar

4. P. Siva

.. Petitioners

Vs

1 Commissioner
Corporation of Chennai, Ripon Buildings,
Chennai-3.

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

3 Government of Tamilnadu
rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus forbearing the respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition with regard to the petitioners building put up at No.14, (New No.27) Purasawakkam High Road, Chennai-600 007 under Town and Country Planning Act till the disposal of petitioners appeal petition submitted under Section 80-A of the Tamilnadu Town and Country Planning Act.

For petitioners :: Mr. R. Mohan

For respondents :: Mr. G. Anantharangan - R1

Mr. N. Sampath - R2

Mr. P.S.Sivashanmugasundaram

Spl. Govt. Pleader -R3

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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 second respondent has issued locking, sealing and demolition notice dated 24.12.2014 against the petitioners under Section 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 petitioners have already filed an appeal before the third respondent on 20.01.2015 against the aforesaid notice dated 24.12.2014, which is pending consideration. It is further seen that along with the said appeal, the petitioners have 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 third respondent to consider the petitioners' application for interim relief as early as possible, preferably within a period of two weeks from today and also to consider their 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. This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ra

To

- 1 The Commissioner
Corporation of Chennai, Ripon Buildings,
Chennai-3.
- 2 The Member Secretary
Chennai Metropolitan
Development Authority,
NO.1 Gandhi Irwin Road, Egmore,
Chennai-8.
- 3 Government of Tamilnadu
rep. by its Secretary to Government ,
Housing and Urban Development Department ,
Fort St. George, Chennai-9.

1 cc to M/s.N. Sampath, Advocate, sr. 10478

1 cc to Mr.R. Mohan, Advocate, sr. 10526

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