

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM:

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

W.P. No.8840 of 2015 and M.P. No.1 of 2015

1 Rajesh Kumar
2 Shanti Bai
3 Rajula Devi
4 Lalitha Devi

Petitioners

vs.

1 The Government of Tamil Nadu
represented by its Secretary
Housing & Urban Development Department
Secretariat, Chennai 600 009
2 The Commissioner
Chennai Corporation
Ripon Building, Chennai
3 The Regional Deputy Commissioner
Chennai Corporation (North Zone)
62, Basin Bridge Road
Old Washermanpet, Chennai 600 021
4 The Executive engineer
Zone V
Corporation of Chennai
Royapuram, Chennai

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 2 and 4 from in any way interfering with the building at New Door No.3, Old Door No.4, Balasubraya Chetty Lane, Sowcarpet, Chennai 600 079, particularly, by way of locking and sealing and demolition, pending pending final determination of the appeal dt.11.3.2015 pending with the first respondent under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971.

For petitioner Mr. Ar.L. Sundaresan, Sr. Counsel
for Mr. R. Singaravelu

For R1 Mr. N. Sakthivel
Government Advocate

For RR 2-4 Mr. G. Anantharangan
Standing Counsel for corporation

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, takes notice for the first respondent. Mr. G. Anantharangan, learned Standing Counsel, takes notice for respondents 2 to 4. 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 Feeling aggrieved by the notice dated 08.12.2014 issued by the fourth respondent under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"), the petitioner has preferred an appeal under Section 80-A of the Act before the first respondent-Government, with an application for interim relief, on 11.03.2015.

3 By the instant writ petition, which, though presented on 12.03.2015, but, was filed properly only on 26.03.2015, the petitioner seeks a direction to the Appellate Authority to dispose of the aforestated appeal, expeditiously.

4 It is also brought to our notice that an application for interim relief has also been filed under Section 80-A(3) of the Act. We expect that the authorities will consider the application for interim relief, at the earliest, preferably within a period of two weeks, whenever an application for interim relief is filed along with the memorandum of appeal. The appeal may also be considered within the statutory period as prescribed under the provisions of law.

6 In view of the foregoing, status quo, in respect of the property in question, as obtained today, shall be maintained for a period of two weeks from today.

7 The writ petition stands disposed of, with the above observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

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

2 The Commissioner
Chennai Corporation
Ripon Building, Chennai

3 The Regional Deputy Commissioner
Chennai Corporation (North Zone)
62, Basin Bridge Road
Old Washermanpet, Chennai 600 021

4 The Executive engineer
Zone V
Corporation of Chennai
Royapuram, Chennai

+1 cc to Mr.B.Singaravelan, Counsel for petitioner, SR.17362

+1 cc to Government Pleader, SR.17553

+1 cc to Mr.G.Anantharangan, Counsel for Respondent, SR.17595.

vgi(co)
krd 7/4

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