

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM:

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

W.P. No.10566 of 2016 and W.M.P. No.9263 of 2016

Photon Infotech Private Limited
represented by its Managing Director
Srinivasa Balasubramanian
registered office at
Flat No.1 D Centralis Apartments
I Floor, 27 ABM Avenue
Boat Club Road
Chennai 600 028

Petitioner

vs.

- 1 Corporation of Chennai
represented by its Commissioner
Ripon Building
Chennai 600 003
- 2 The Executive Engineer
Corporation of Chennai
Enforcement - Region Central
II Cross Street
Pulla Avenue, Chennai
- 3 Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 1 and 2 or any other officials on their behalf from initiating any coercive action of locking, sealing and demolition with regard to the petitioner's flat bearing no. Flat No.1D, Centralis Apartment, No.27, ABM Avenue, Boat Club Road, R.A. Puram, Chennai 600 028 under Town and Country Planning Act, till the disposal of the petitioner's special application (revision) dated 02.03.2016 submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act.

For petitioner Mr. R. Mohan
For RR 1 & 2 Mr. A. Nagarajan, Standing Counsel
For R3 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. A. Nagarajan, learned Standing Counsel, accepts notice for respondents 1 and 2. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the third respondent. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus forbearing the respondents 1 and 2 or any other officials on their behalf from initiating any coercive action of locking, sealing and demolition with regard to the petitioner's flat at No.1D, Centralis Apartment, No.27, ABM Avenue, Boat Club Road, R.A. Puram, Chennai 600 028 under the Tamil Nadu Town and Country Planning Act, 1971 (for brevity "the Act") till the disposal of the petitioner's application dated 02 March 2016 submitted under Section 80-A, *ibid*.

3 The learned counsel for the petitioner submits that the Chennai Corporation has issued locking, sealing and demolition notice against the petitioner on 23 February 2016. Thereagainst, the petitioner has preferred an application under Section 80-A of the Act, together with an application for interim relief under Section 80-A(3), *ibid*, on 02 March 2016 before the third respondent, who is the appellate authority. In spite of observations made by this Court in several cases that if there is an application for interim relief, the same has to be considered within a period of two weeks to avoid further complications, the petitioner's application under Section 80-A (3) of the Act seeking interim stay, has not been considered till date, albeit two weeks have lapsed from the date of filing the said application.

4 Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader appearing for the third respondent submits that the petitioner's application for interim relief will be considered within a period of one week and the application filed under Section 80-A of the Act will be considered within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law, in the light of the order dated 29th September 2015 passed by a Division Bench of this Court in Lalithkumar C. Soni Vs. Government of Tamil Nadu and others¹.

1 2015 (6) CTC 107 : (2015) 7 MLJ 394 : 2015 (2) CWC 752

5 In view of the above submission of the learned Special Government Pleader, it is ordered accordingly. It is made clear that for a period of one week from today, i.e., 22 March 2016, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties and the petitioner is restrained from making any further construction in the property in question.

With the above directions, the writ petition stands disposed of sans costs. Connected W.M.P. is closed.
cad

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner
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+ 1 cc to Mr.A.Nagrajan, Advocate, SR 18040

+ 1 cc to Mr.R.Mohan, Advocate, SR 17964

+ 1 cc to Govt.Pleader, High Court, Madras SR 18367

svi(co)
prk1/4

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