

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM

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

W.P. No.11345 of 2016
and
W.M.P.No.9807 of 2016

M/s.Lawrence & Mayo rep. by
its Manager Karunasakar

.. Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.

2. The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

3. The Regional Deputy Commissioner,
Corporation of Chennai - Regional
Office - Central,
Having office at 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 30.

4. The Executive Engineer (Enforcement),
Having office at 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 30.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus forbearing respondents 2 to 4 from in any way interfering with the building at B-7, 2nd Avenue, Ground Floor, Anna Nagar East, Chennai, particularly by way of locking and sealing and demolition pending final determination of the appeal dated 07.03.2016

pending with the first respondent under Section 80 A of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner .. Mr.S.Meenakumari

For Respondents .. Ms.T.T.Girija,
Govt. Advocate for R1
Mr.N.Sampath for R2
Mr.R.Arunmozhi for R3 & R4

ORDER

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

Ms.T.T.Girija, learned Government Advocate accepts notice for the first respondent, Mr.N.Sampath, learned standing counsel accepts notice for the second respondent and Mr.R.Arunmozhi, learned standing counsel accepts notice on behalf of respondents 3 and 4. With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal at the admission stage.

2.This writ petition is filed seeking a writ of mandamus forbearing respondents 2 to 4 from interfering with the building at B-7, 2nd Avenue, Ground Floor, Anna Nagar East, Chennai, particularly by way of locking and sealing and demolition pending final determination of the appeal dated 07.03.2016 pending with the first respondent under Section 80 A 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 Corporation of Chennai has issued a locking and sealing and demolition notice on 11 February 2016 under Sections 56 and 57 read with Section 85 of the Act against the petitioner. Thereagainst, the petitioner has preferred an application before the first respondent under Section 80-A of the Act on 07 March 2016, which is under consideration. It is further seen that along with the said application, the petitioner has also filed an application for interim stay in terms of the provisions of Section 80-A(3) of the Act.

4.Without going into the merits of the case, we are of the considered view that if an application, as aforesaid, is filed along with an application for interim relief, the officers are well advised to consider the application for interim relief at the earliest, preferably, within a period of two weeks, to avoid further complications.

5.Ms.T.T.Girija, learned Government Advocate appearing for the first respondent submits that the application for interim relief will be considered within a period of one week.

6. Accordingly, we direct the first respondent to consider the petitioner's application for interim relief as early as possible, preferably within a period of one week and also to consider the petitioner's main application 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, wherein one of us (Satish K. Agnihotri, J.) was a member, in Lalithkumar C. Soni Vs. Government of Tamil Nadu and others¹. It is made clear that for a period of one week from today, i.e., 28 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.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

mmi

s/d-
Assistant Registrar (AS)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.
2. The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.
3. The Regional Deputy Commissioner,
Corporation of Chennai - Regional
Office - Central,
Having office at 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 30.

1 W.PNos. 16392 of 2015 batch.

4. The Executive Engineer (Enforcement),
Having office at 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 30.

+ 1 cc to M/s.R.Arunmozhi, Advocate, SR 19793

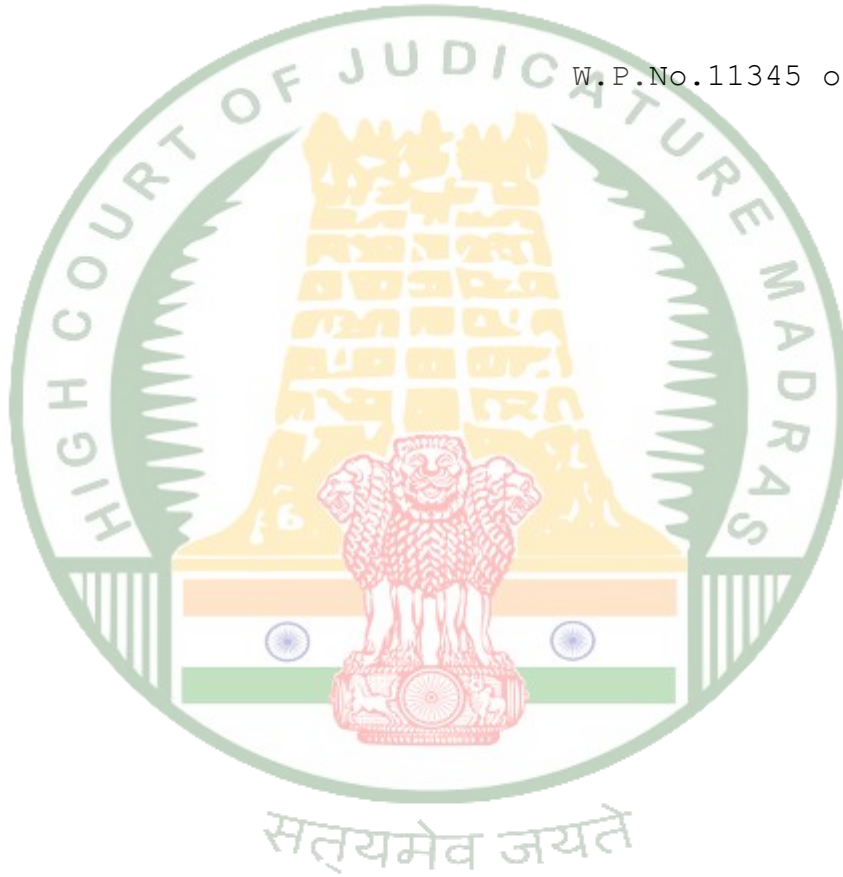
+ 1 cc to M/s.N.Sampath, Advocate, SR 19320

+ 1 cc to Mr.D.Balachandran, Advocate SR 19071

+ 1 cc to Govt.Pleader, High Court, Madras SR 19610, 19614

sr(co)
prk11/4

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