

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM:

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

W.P. No.11809 of 2016 and W.M.P. No.10188 of 2016

P.S. Maran

Petitioner

Vs.

- 1 The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009
- 2 The Executive Engineer
Corporation of Chennai
Enforcement - Region Centre
Zone - VIII, No.36-B
Pullah Avenue, Shenoy Nagar
Chennai 600 030
- 3 The Assistant Executive Engineer
U-22, Corporation of Chennai
Chennai 600 030
- 4 The Assistant Engineer
Division - 100, Chennai Corporation
Chennai 600 030

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 2 to 4 from locking and sealing and demolition of the building premise bearing Plot No.3267, AJ-108, AJ Block, Second Street, Anna Nagar, Chennai 600 040, pursuant to the notice bearing REGIONCENTRAL/TPENF/0708 dated 22.02.2016, till the disposal of the application dated 21.03.2016 submitted by the petitioner 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. L. Dhamodaran

For R1 Mrs. A. Srijayanthi
Special Government Pleader

For RR 2 to 4 Mr. R. Arunmozhi
Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. R. Arunmozhi, learned Standing Counsel, accepts 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 This writ petition is filed seeking a writ of mandamus forbearing the respondents 2 to 4 from locking, sealing and demolition of the building at Plot No.3267, AJ-108, AJ Block II, Second Street, Anna Nagar, Chennai 600 040, pursuant to the notice bearing REGIONCENTRAL/TPENF/0708 dated 22 February 2016, till the disposal of the petitioner's application dated 21 March 2016 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity "the Act"), pending with the first respondent.

3 From a perusal of the records, it is seen that the Corporation of Chennai has issued a revised locking, sealing and demolition notice on 22 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 21 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 Accordingly, we direct the first respondent to consider the petitioner's application for interim relief as early as possible, preferably within a period of two weeks 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 decision rendered by a Division Bench of this Court in Lalithkumar C. Soni Vs. Government of Tamil Nadu and others¹. It is made clear that for a period of two weeks from today, i.e., 30 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.

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

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

cad

To

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- 1 cc to Mr.L. Dhamodaran, Advocate, Sr. 19997
1 cc to Mr.R. Arunmozhi, Advocate, Sr. 19796

W.P. No.11809 of 2016

SKV (CO)
kk 11/4

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