

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

W.P.No.14096 of 2016
and
W.M.P.No.12322 of 2016

St. Antony's Church
rep. by Felix

... Petitioner

Vs.

1. The Corporation of Chennai
rep. by its Commissioner,
Ripon Building, Chennai - 3.
2. The Executive Engineer (Enforcement),
Regional Deputy Commissioner (South),
Corporation of Chennai,
Muthukrishnan Salai,
Adyar, Chennai - 20.
3. The Government of Tamil Nadu
rep. by its Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai - 9.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the first and second respondents or anybody on their behalf from initiating any coercive action of locking, sealing and demolition with regard to the building put up at No.45, Dhanakoti Raja Street, Ekkattuthangal, Chennai - 97 pending determination of the Revision Petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 10.10.2015 with the third respondent.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.R.Arunmozhi for R1 & R2
Mr.G.Saibaba,
Government Advocate for R3

ORDER

(Order of the Court was made by M. VENUGOPAL, J.)

Heard both sides.

2.By consent, the main writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner has preferred the instant writ petition praying for passing of the order by this Court in restraining the respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking, sealing and demolition in regard to the building put up at No.45, Dhanakoti Raja Street, Ekkattuthangal, Chennai - 97 pending determination of the Revision Petition submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 dated 10.10.2015 before the third respondent.

4.Earlier, the petitioner/church had approached this Court by filing W.P.No.31433 of 2015, seeking a direction to the respondents therein to consider its representation dated 04.06.2015 filed in response to the notice dated 25.05.2015, whereby and whereunder, it was called upon to produce the approved plan.

5.In the aforesaid writ petition, this Court on 06.10.2015, at paragraphs 5 and 6, had observed the following and consequently dismissed the writ petition:

"5.Be that as it may, the petitioner has not availed of the opportunity granted by this Court for producing the relevant documents and making a representation, after 22 June 2015. Now, the impugned notice has been issued by the authorities after a long period and as such, we are not inclined to interfere with the impugned notice, at this stage. Besides, the impugned notice is appealable before the Government under Section 80-A of the Act.

6.In such view of the matter, the writ petition is liable to be dismissed. However, if an appeal is preferred by the petitioner, it is open to the appellate authority to examine the appeal on its own merits and in accordance with law."

6.At this stage, this Court is not going into the merits of the matter. It is not in dispute that as on date, the petitioner's Appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 is pending for adjudication

before the third Respondent. Also the stay petition filed under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971 dated 10.10.2015 is pending.

7. In view of the fact that the petition for interim relief under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971 is pending before the Government, this Court, in the interest of Justice and Fair play, directs the third Respondent to take up the interim application and to dispose of the same within a period of two weeks from the date of receipt of a copy of this order and also dispose of the Appeal dated 10.10.2015 within the statutory period. Till the application for interim relief is disposed of, there shall be an order of status quo, prevailing as on date.

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

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3.
2. The Executive Engineer (Enforcement),
Regional Deputy Commissioner (South),
Corporation of Chennai,
Muthukrishnan Salai, Adyar, Chennai - 20.
3. The Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai - 9.

+1cc to Mr.R.Mohan, Advocate, S.R.No.23441
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.23430
+1cc to the Government Pleader, S.R.No.23672

W.P.No.14096 of 2016

CA(CO)
CA(05/05/2016)