

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V. BHARATHIDASAN

W.P. No.14345 of 2016 and W.M.P. No.12540 of 2016

M. Velu

Petitioner

vs.

- 1 Government of Tamil Nadu
represented by its Secretary
Housing and Urban Development Department
Secretariat, Fort St. George
Chennai 600 009
- 2 The Commissioner
Corporation of Chennai
Ripon Building
E.V.R. Salai
Chennai 600 003
- 3 The Executive Engineer
(Enforcement - Region Central)
Corporation of Chennai
Regional Office - Central
II Cross Street (East)
Pulla Avenue
Shenoy Nagar, Chennai 600 030

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 2 and 3 from in any way interfering with No.F1, First Floor, Jeyam Apartments, Old No. 15/16, New No.29/1 & 31/1, V.M. Street, Royapettah, Chennai 600 014, particularly, by way of locking and sealing or demolition, pending final determination of the application dated 01.04.2016 under Section 80-A and 80-A(3) of the said Act by the first respondent.

For petitioner Mr. D.S. Rajasekaran

For R1 Mrs. T.T. Girija, Government Advocate

For RR 2 & 3 Mr. A. Nagarajan, Standing Counsel

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mrs. T.T. Girija, learned Government Advocate, accepts notice for the first respondent. Mr. A. Nagarajan, learned Standing Counsel, accepts notice for the respondents 2 and 3. 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 and 3 from in any way interfering with the petitioner's possession of the premises in No.F1, First Floor, Jeyam Apartments, Old No. 15/16, New No.29/1 & 31/1, V.M. Street, Royapettah, Chennai 600 014, particularly, by way of locking and sealing or demolition, pending final determination of the application dated 01 April 2016 (sic) 30 March 2016 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity "the Act") by the first respondent.

3 From a perusal of the records, it is seen that the Corporation of Chennai, has issued a locking, sealing and demolition notice on 21 March 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 30 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 aforestated, 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 order passed 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., 20 April 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.

Sd/-
Asst.Registrar (CS IV)

/true copy/
Sub Asst. Registrar

cad

To

- 1 The Secretary
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009
- 2 The Commissioner
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- 3 The Executive Engineer
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Regional Office - Central
II Cross Street (East)
Pulla Avenue
Shenoy Nagar, Chennai 600 030

- 1 cc to Government Pleader, Sr. 24822
1 cc to Mr.A. Nagarajan, Advocate, Sr. 24491
1 cc to Mr.D.S. Rajasekar, Advocate, Sr. 24146
1 cc to MR.D.S. Rajasekaran, Advocate, Sr. 24148

W.P. No.14345 of 2016

NR (co)
kk 29/4

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