

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

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

W.P. Nos.14440 to 14444 of 2016 & W.M.P. Nos.12626 to 12630 of
2016

M.A. Ahamed Uduman	Petitioner in WP No.14440 of 2016
M.A. Mohammed Gayazuddin	Petitioner in WP No.14441 of 2016
S. Senthamizh Selvan	Petitioner in WP No.14442 of 2016
S. Gudanathan	Petitioner in WP No.14443 of 2016
J. Rifaya Parveen	Petitioner in WP No.14444 of 2016

vs.

- 1 The Government of Tamil Nadu
represented by its Secretary
Housing and Urban Development Department
Secretariat, St. Fort 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 in all the WPs

Prayer in W.P. No.14440 of 2016:

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 Flat No. S3, Second 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.

Prayer in W.P. No.14441 of 2016:

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 Flat No. S4, Second 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.

Prayer in W.P. No.14442 of 2016:

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 Flat No. S2, Second 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.

Prayer in W.P. No.14443 of 2016

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 Flat No. F3, 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.

Prayer in W.P. No.14444 of 2016:

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 Flat No. F2, 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 in
all the WPs

Mr. D.S. Rajasekar

For R1 in
all the WPs

Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For RR 2 & 3 in
all the WPs

Mr. R. Arunmozhi
Standing Counsel

COMMON ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. R. Arunmozhi learned Standing Counsel, accepts notice for respondents 2 and 3. With consent, the writ petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed seeking a writ of mandamus forbearing the respondents 2 and 3, from in any way, interfering with the petitioners' possession of the premises in question, particularly by way of locking and sealing or demolition, pending final determination of their applications dated 01 April 2016, 01 April 2016, 05 April 2016, 01 April 2016 and 01 April 2016 respectively, filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity "the Act") and also their interim applications filed under Section 80-A (3) of the Act by the first respondent.

3 From a perusal of the records, it is seen that the Corporation of Chennai, has issued locking, sealing and demolition notices on 21 March 2016 under Sections 56 and 57 read with Section 85 of the Act against the petitioners. Thereagainst, the petitioners have preferred applications before the first respondent under Section 80-A of the Act on the dates, as aforesaid and the said applications are under consideration. It is further seen that along with the said applications, the petitioners have also filed applications 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 applications, as aforesaid, are filed along with applications for interim relief, the officers are well advised to consider the applications 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 petitioners' applications for interim relief as early as possible, preferably within a period of two weeks and also to consider the petitioners' main applications within the statutory period prescribed under the provisions of law, on their 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., 21 April 2016, status quo as obtained today, in respect of the properties in question, shall be maintained by both the parties and the petitioners are restrained from making any further construction in the properties in question.

With the above directions, the writ petitions stand disposed of sans costs. Connected W.M.Ps. are closed.
cad

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat,
St. Fort 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

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

+ 1 cc to MR.R.Arumugam, Advocate, SR 24490

+ 10 ccs to Mr.D.S.Rajasekaran, Advocate, SR 24814 to 24818

+ 1 cc to Govt.Pleader, High Court, Madras SR 24927

kji(co)
prk5/5

W.P. Nos.14440 to 14444 of 2016



WEB COPY