

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM:

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

W.P. No.15499 of 2016
and
W.M.P. No.13481 of 2016

C. Karnan

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Secretary to the Government
of Tamil Nadu
Housing and Urban Development
Fort St. George
Chennai 600 009

2. The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai

3. The Executive Engineer
Zone IV
Thiruvottiyur High Road
Chennai 600 021

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the revision petition filed before the first respondent on 10.03.2016 with regard to the house premises bearing Plot No.7, Old Door No.7, New Door No.15, Manavazhagar Street, Kodungaiur, Chennai 600 118.

For petitioner : Mr. L.G. Sahadevan

For R1 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

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

ORDER
(delivered by SATISH K.AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. A. Nagarajan, learned Standing Counsel, accepts notice for respondents 2 and 3. With consent, 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 directing the first respondent to dispose of the revision petition (sic) application filed before the first respondent on 10 March 2016 with regard to the house premises bearing Plot No.7, Old Door No.7, New Door No.15, Manavazhagar Street, Kodungaiur, Chennai 600 118.

3. From a perusal of the records, it is seen that the Corporation of Chennai, has issued a locking, sealing and demolition notice on 13 October 2015 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 10 (sic) 09 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 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., 26 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.

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/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary
Housing and Urban Development
Government of Tamil Nadu
Fort St. George
Chennai 600 009
2. The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai
3. The Executive Engineer
Zone IV
Thiruvottiyur High Road
Chennai 600 021

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.25997
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.26489
+1cc to the Government Pleader, S.R.No.26036

सत्यमेव जयते

W.P. No.15499 of 2016

KS (CO)
CA(10/05/2016)

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