

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM

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

W.P. No.15835 of 2016
and
W.M.P.No.13744 of 2016

E.Jayanthi

.. Petitioner

Vs.

- 1.The Corporation of Chennai
rep. by its Commissioner,
Ripon Building, Chennai - 3.
- 2.The Executive Engineer,
Town Planning (Enforcement),
O/o.Regional Deputy Commissioner
(Central),
Corporation of Chennai,
Pulla Avenue, Shenoy Nagar,
Chennai - 30.
- 3.The Government of Tamil Nadu
rep. by its Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai - 9.

..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus forbearing the first and second respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at New No.29 and 30 (Old Nos.15 and 16), V.M.Street, Royapettah, Chennai - 14 pending determination of the Revision Petition submitted by the petitioner under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 09.04.2016.

For Petitioner .. Mr.L.Chandrakumar
For Respondents .. Mr.A.Nagarajan for R1 & R2
Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R3

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

Mr.A.Nagarajan, learned standing counsel accepts notice on behalf of respondents 1 and 2 and Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice on behalf of the third respondent. Thus, with the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal at the admission stage.

2.This writ petition is filed seeking a writ of mandamus forbearing respondents 1 and 2 from initiating any coercive action of locking and sealing and demolition with regard to the building put up at New No.29 and 30 (Old Nos.15 and 16), V.M.Street, Royapettah, Chennai - 14 pending determination of the application submitted by the petitioner under Section 80-A along with an application for interim relief under Section 80-A (3) of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") dated 09 April 2016.

3.From a perusal of the records, it is seen that Corporation of Chennai has issued a locking and 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 09 April 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 third 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 dated 29th

September 2015 passed by a Division Bench, wherein one of us (Satish K.Agnihotri, J.) was a member, 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., 28 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.

6.With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

mmi

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 3.

2.The Executive Engineer,
Town Planning (Enforcement),
O/o.Regional Deputy Commissioner
(Central),
Corporation of Chennai,
Pulla Avenue, Shenoy Nagar,
Chennai - 30.

3.The Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai - 9.

+ 1 cc to Mr.A.Nagarajan, Advocate, SR 26896

+ 1 cc to Mr.L.Chandrasekar, Advocate, SR 26765

+ 1 cc to Govt.Pleader, High Court, Madras SR 27383

nr(co)
prk2/6

W.P.No.15835 of 2016

1 W.PNos. 16392 of 2015 batch.