

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM:

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

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P. No.16297 of 2016 and W.M.P. No.14084 of 2016

1 Mukesh Kumar Jain
2 R. Babulal
3 Naveen A. Shah Petitioners

vs.

1 The Corporation of Chennai,
represented by its Commissioner,
Ripon Building,
Chennai 600 003.

2 The Executive Engineer,
Town Planning (Enforcement),
O/o the Regional Deputy Commissioner (North),
Corporation of Chennai,
Basin Bridge Road,
Chennai 600 021.

3 The Government of Tamil Nadu,
represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 1 and 2 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.89, Narayana Mudali, Sowcarpet, Chennai 600 079, pending determination of the revision petition submitted by the petitioners under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act dated 09.04.2016.

For petitioners Mr. R. Mohan

For RR 1 & 2 Mr. R. Arunmozhi, Standing Counsel

For R3 Mrs. A. Srijoyanthi
Special Government Pleader

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for respondents 1 and 2. Mrs. A. Srijoyanthi, learned Special Government Pleader, accepts notice for the third respondent. 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 forbearing the respondents 1 and 2 or anybody on their behalf, from initiating any coercive action of locking and sealing and demolition with regard to the building put up at No.89, Narayana Mudali, Sowcarpet, Chennai 600 079, pending determination of the revision petition (sic) application submitted by the petitioners under Section 80-A and also interim application under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity "the Act") by the third 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 19 February 2016 under Section 57 read with Section 85 of the Act against the petitioners. Thereagainst, the petitioners have preferred an application before the third 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 petitioners have 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 petitioners' application for interim relief as early as possible, preferably within a period of two weeks and also to consider the petitioners' 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., 29 April 2016, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties and the petitioners are 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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003.
- 2 The Executive Engineer,
Town Planning (Enforcement),
O/o the Regional Deputy Commissioner (North),
Corporation of Chennai,
Basin Bridge Road,
Chennai 600 021.
- 3 The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.

+1cc to M.Nr.P.Mohan, Advocate sr.27208
+1cc to Mr.R.Arunmozhi, Advocate sr.27502

W.P. No.16297 of 2016

sv(CO)
srg(27/05/2016)

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