

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

CORAM

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

W.P. No.40546 of 2015
and
M.P.No.1 of 2015

M.Palanivelu

..Petitioner

Vs.

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

2.Chennai Metropolitan Development
Authority rep. by its
Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus forbearing the second respondent 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.501, Old No.242, Mint Street, Chennai - 1 pending determination of the application submitted by the petitioner under Section 80-A (Special Powers) of the Tamil Nadu Town and Country Planning Act dated 26.11.2015 with the first respondent.

For Petitioner .. Mr.P.Ramanathan

For Respondents.. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1
Mr.K.Raja Srinivas for R2

ORDER

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

Ms.A.Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent and Mr.K.Raja Srinivas, learned Standing Counsel accepts notice for the second

respondent. With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2.This writ petition is filed seeking a writ of mandamus forbearing the second respondent from initiating any coercive action of locking and sealing and demolition with regard to the building put up at New No.501, Old No.242, Mint Street, Chennai - 1 pending determination of the application dated 26 November 2015 submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act (for short 'the Act').

3.From a perusal of the records, it is seen that Chennai Metropolitan Development Authority has issued a locking, sealing and demolition notice on 09 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 26 November 2015, 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 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., 10 February 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 W.PNos. 16392 of 2015 batch.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mmi

To

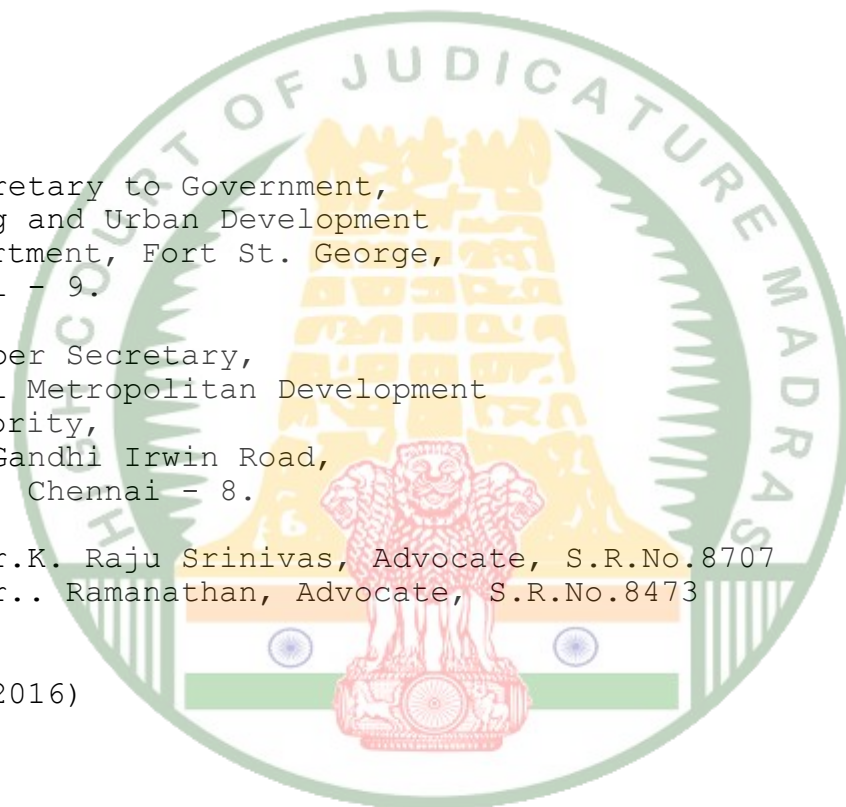
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+1cc to Mr.K. Raju Srinivas, Advocate, S.R.No.8707

+1cc to Mr.. Ramanathan, Advocate, S.R.No.8473

CNR(CO)
EU(23/02/2016)



सत्यमेव जयते W.P.No.40546 of 2015

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