

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.40942 of 2015 and M.P. No.1 of 2015

M.A. Muhammed Ibrahim ...Petitioner
Vs.

- 1 The State of Tamil Nadu
represented by its Secretary
Housing and Urban Development Department
Fort St. George
Chennai 600 009
 - 2 The Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
 - 3 The Corporation of Chennai
represented by its Commissioner
Ripon Buildings
Chennai 600 003
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the second respondent from initiating any coercive action by locking and sealing the petitioner's building bearing No.215, New No.238, Thambu Chetty Street, Chennai 600 001 in connection with the notice vide Letter No.EC/EA/N-1/10685/2015 dated 09.10.2015 (received by the petitioner on 18.11.2015) on the file of the second respondent, till the disposal of the petitioner's special revision dated 27.11.2015 vide under Section 80-A of the Tamil Nadu Town and Country Planning Act, pending before the first respondent.

For petitioner: Mr. M. Imthias
For R1 : Mr. M. Sivashanmugasundaram, Spl. Govt. Pleader
For R2 : Mr. N. Sampath, Standing Counsel
For R3 : 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. N. Sampath, learned Standing Counsel, accepts notice for the second respondent. Mr. A. Nagarajan, learned Standing Counsel, accepts notice for the third respondent. With the consent of the learned counsel for the parties, 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 second respondent from initiating any coercive action by locking and sealing the petitioner's building bearing No.215, New No.238, Thambu Chetty Street, Chennai 600 001, pursuant to the locking, sealing, demolition and de-occupation notice dated 09 October 2015 issued by the second respondent, till the disposal of the petitioner's special revision (sic) application dated 27 November 2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act (for short "the Act"), pending before the first respondent.

3 From a perusal of the records, it is seen that the second respondent, viz., Chennai Metropolitan Development Authority, has issued a locking, sealing, demolition and de-occupation 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 27 November 2015, which is pending 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 of this Court, 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., 05 January 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.

With the above directions, the writ petition stands disposed of sans costs. Connected Miscellaneous Petition is closed.

sd/-

Assistant Registrar(CCC)

/TRUE COPY/

Sub-Assistant Registrar

cad

To

- 1 The Secretary
State of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008
- 3 The Commissioner
The Corporation of Chennai,
Ripon Buildings, Chennai 600 003

+2 CC to MR.M. Imthias Advocate. SR.NO.292
+1 CC to MR.N. Sampath Advocate. SR.NO. 1216
+1 CC to MR.A. Nagarajan Advocate. SR.NO. 412
+1 CC to Govt.Pleader. SR.NO. 581

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W.P. No.40942 of 2015

CO-ALA
JD 20/01/2016

1 W.PNos. 16392 of 2015 batch.