

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2016

CORAM:

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

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.3151 of 2016 and W.M.P. No.2589 of 2016

Kushboo Devi Ranka

Petitioner

Vs.

- 1 The Government of Tamil Nadu
represented by its Secretary
Housing and Urban Development Department
Secretariat, Fort St. George
Chennai 600 009
- 2 The Regional Deputy Commissioner
Chennai Corporation (North Zone)
No.62, Basin Bridge Road
Chennai 600 021
- 3 The Executive Engineer (Enforcement)
O/o the Regional Deputy Commissioner
Chennai Corporation - North Zone
No.62, Basin Bridge Road
Chennai 600 021
- 4 The Assistant Executive Engineer
Division 59, Unit 14, Zone 5
Corporation of Chennai
Chennai

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 2 to 4 from in any way interfering with the building at New No.29, Old No.41, Venkatachala Mudali Street, Edapalayam, Peddunaickenpet, Chennai 600 003, particularly by way of locking and sealing and demolition, pending final determination of the appeal dated 30.12.2015, pending with the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

For petitioner Mrs. S. Meenakumari

For R1 Mrs. A. Srijayanthi,
Special Government Pleader

For RR 2-4 Mr. R. Arunmozhi, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for respondents 2 to 4. 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 respondents 2 to 4 from in any way interfering with the building at New No.29, Old No.41, Venkatachala Mudali Street, Edapalayam, Peddunaickenpet, Chennai 600 003, particularly by way of locking, sealing and demolition, pending final determination of the appeal (sic) application dated 30 (sic) 29 December 2015, pending with the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 From a perusal of the records, it is seen that Chennai Corporation has issued a locking, sealing and demolition notice on 02 July 2015 under Section 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 29 December 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 this Bench 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 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 W.M.P. is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009
- 2 The Regional Deputy Commissioner
Chennai Corporation (North Zone)
No.62, Basin Bridge Road
Chennai 600 021
- 3 The Executive Engineer (Enforcement)
O/o the Regional Deputy Commissioner
Chennai Corporation - North Zone
No.62, Basin Bridge Road
Chennai 600 021

1 W.PNos. 16392 of 2015 batch.

4 The Assistant Executive Engineer
Division 59, Unit 14, Zone 5
Corporation of Chennai
Chennai

+1cc to Mr.D.Balachandran, Advocate, S.R.No.5405
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.5403
+1cc to the Government Pleader, S.R.No.6160

W.P. No.3151 of 2016

msm(CO)
srg(04/02/2016)



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