

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2016

CORAM:

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

W.P.No.4484 of 2016

R. Mohamed Nazar Petitioner

Vs

1. State of Tamilnadu,
rep. By its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai.9.
 2. The Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai.8.
 3. The Commissioner,
Corporation of Chennai,
Rippon Building, EVR Salai,
Chennai.3.
 4. The Corporation of Chennai,
rep. By its Executive Engineer,
T.P. Enforcement Regional Central,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India seeking for the issuance of a Writ of Mandamus directing the respondents to forthwith remove the lock and seal in respect of the premises at Door No.150 Greams Road, Thousand Lights, Chennai 600 006 insofar as the ground floor of

the said premises is concerned so as to enable the petitioner to rectify and restore the said premises in conformity with the sanctioned plan on the basis of the Appeal dated 28.01.2016.

For Petitioner : Mr. A. Sivanandan

For Respondents : Mr.P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1
Mr. N. Sampath - R2

Mr. V.C. Selvasekaran - R3 & R4

ORDER

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

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

2. By this petition, the petitioner seeks a direction to the respondents to forthwith remove the lock and seal in respect of the premises at Door No.150, Greams Road, Thousand Lights, Chennai 600 006 insofar as the ground floor of the said premises so as to enable him to rectify the defects and restore the said premises in conformity with the sanctioned plan, on the basis of the appeal (sic) application dated 28 January 2016.

3. It is stated by the learned counsel for the petitioner that challenging the de-occupation notice dated 18 December 2015, the petitioner has preferred an application on 28 January 2016 before the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") along with an application for interim relief under Section 80-A (3) of the Act. But, till date, no decision has been taken either on the application for interim relief or on the main application. Thus, the petitioner is put to irreparable loss, hardship and prejudice on account of locking and sealing of the premises in question. Hence, the present writ petition for a direction to the respondents to remove the lock and seal forthwith.

4. Admittedly, the dispute in respect of the premises in question is pending consideration before the first respondent. When an application in respect of the premises in question and the interim application for identical relief are pending consideration, no writ petition is maintainable. However, since the application for interim relief is made on 28 January, 2016, the first respondent is directed to consider the interim

application as early as possible, preferably within a period of two weeks from today and also the main application within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ra.

To

1. The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Chennai.9.
2. The Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai.8.
3. The Commissioner,
Corporation of Chennai,
Rippon Building, EVR Salai,
Chennai.3.
4. The Executive Engineer,
Corporation of Chennai,
T.P. Enforcement Regional Central,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

+1 cc to Mr.Xavier Felix, Advocate, sr.8038
+1 cc to Mr.N.Sampath, Advocate, sr.8072
+1 cc to Government Pleader, sr.8593

W.P. No.4484 of 2016

ctk co
kra 15.02.2016