

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2016

CORAM

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

W.P. No.5079 of 2016
and
W.M.P.No.4416 of 2016

S.Santha Kumari ..Petitioner

Vs.

- 1.The Corporation of Chennai
rep. by its Commissioner,
Rippon Buildings,
Chennai - 3.
 - 2.The Corporation of Chennai,
Regional Office - Central
rep. by its Executive Engineer,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai - 30.
 - 3.The Government of Tamil Nadu
rep. by its Secretary to Government,
Housing and Urban Development
Department, Secretariat,
Chennai - 9.
- ..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the first and second respondents from in anyway interfering with the premises at Plot No.9, Door No.9, Loco Works Scheme, Agaram, Chennai - 82 particularly by way of locking and sealing and or demolition of the same pending final determination of the petitioner's application under Section 80(A) of the Town and Country Planning Act, 1971 dated 12.01.2016.

For Petitioner .. Mr.L.Chandrakumar
For Respondents.. Mr.A.Nagarajan,
Standing Counsel for R1 & R2
Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R3

ORDER

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

Mr.A.Nagarajan, learned Standing Counsel accepts notice for respondents 1 and 2 and Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader, accepts notice for the third respondent. With the consent of the learned counsel appearing 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 directing the first and second respondents from in anyway interfering with the premises at Plot No.9, Door No.9, Loco Works Scheme, Agaram, Chennai - 82 particularly by way of locking and sealing and or demolition of the same pending final determination of the petitioner's application under Section 80-A of the Tamil Nadu Town and Country Planning Act (for short 'the Act') dated 12.01.2016.

3.From a perusal of the records, it is seen that Corporation of Chennai has issued a locking, sealing and demolition notice on 15 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 third respondent under Section 80-A of the Act on 12 January 2016, 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 third 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 29 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., 11 February 2016,

¹ W.P.Nos. 16392 of 2015 batch.

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.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 3.
- 2.The Executive Engineer,
Corporation of Chennai,
Regional Office - Central,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai - 30.
- 3.The Secretary to Government of Tamil Nadu
Housing and Urban Development
Department, Secretariat,
Chennai - 9.

+lcc to Mr.L. Chandrankumar, Advocate, S.R.No.8780

+lcc to Mr.A. Nagarajan, Advocate, S.R.No.8762

+lcc to the Government Pleader, S.R.No.9109

VGI(CO)

EU(24/02/2016)

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