

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.5172 of 2016 and W.M.P. No.4547 of 2016

S. Veeraram

Petitioner

Vs.

- 1 The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 2 The Regional Deputy Commissioner (North),
Corporation of Chennai,
No.61, Moolakothalam,
Chennai 600 021.
- 3 The Executive Engineer,
TPRDC North,
No.61, Moolakothalam,
Chennai 600 021.
- 4 The Executive Engineer,
Corporation of Chennai,
Royapuram,
No.61, Moolakothalam,
Chennai 600 021.

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents from in any manner interfering with the petitioner's peaceful possession and enjoyment by locking and sealing the premises situated at Ground Floor at No.4, New No.3, 4 (3/3), Balasubraya Chetty Lane, Kasi Chetty Street, Sowkarpuram, Chennai - 79 comprised in C.C. No.2610, O.S. No.2789, R.S. No.10896, Block No.87 of George Town Division, Fort-Tondiarpet Taluk, falls within Municipality Ward No.57, Zone-5, Division No.57 of Corporation of Chennai, pending disposal of the statutory appeal filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 dated 26.12.2014.

For petitioner Mr. M. Anandaraj

For R1 Mr. N. Sampath, Standing Counsel

For RR 2-4 Mr. V.C. Selvasekaran, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sampath, learned Standing Counsel, accepts notice for the first respondent. Mr. V.C. Selvasekaran, 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 from in any manner interfering with the petitioner's peaceful possession and enjoyment of the premises situated at Ground Floor at No.4, New No.3, 4 (3/3), Balasubraya Chetty Lane, Kasi Chetty Street, Sowkarpeth, Chennai - 600 079 comprised in C.C. No.2610, O.S. No.2789, R.S. No.10896, Block No.87 of George Town Division, Fort-Tondiarpet Taluk, by locking and sealing the same, pending disposal of the petitioner's statutory appeal (sic) application dated 26 December 2014 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 As per the averment in the affidavit filed in support of this writ petition, Chennai Corporation has issued a notice under Section 56(2-A) of the Act on 08 February 2014 under against the petitioner. Thereagainst, the petitioner has preferred an application before the first respondent under Section 80-A of the Act on 26 December 2014, 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 Secretary, Housing and Urban Development Department, Government of Tamil Nadu, 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., 11 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.

With the above directions, the writ petition stands disposed of sans costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1 The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 2 The Regional Deputy Commissioner (North),
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1 2015 6 CTC 107 : 2015 7 MLJ 394 : 2015 2 CWC 752

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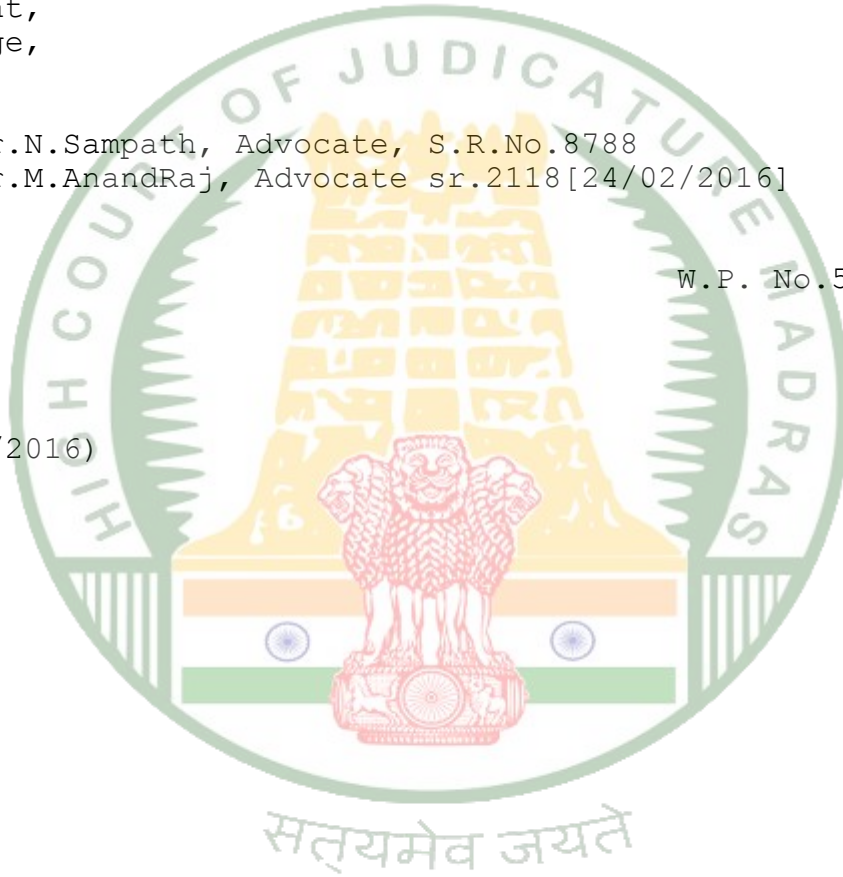
The Secretary to Government,
Housing & Urban Development Department,
Government of TamilNadu,
Secretariat,
Fort George,
Chennai-9.

+1cc to Mr.N.Sampath, Advocate, S.R.No.8788

+1cc to Mr.M.AnandRaj, Advocate sr.2118[24/02/2016]

W.P. No.5172 of 2016

vsn(CO)
srg(22/02/2016)



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