

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM:

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

W.P. No.60 of 2016 and W.M.P. No.22 of 2016

E. Geetha

Petitioner

Vs.

1 The Secretary to Government
Housing and Urban Development
Fort St. George
Chennai 600 009

2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajar Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records in Notice bearing Letter No.EC/EN-II/18528/2015 dated 23.11.2015 issued by the second respondent and quash the same and consequently, direct the first respondent to act upon the application submitted by the petitioner for approval of the plan in respect of the petition mentioned property situate at No.111, Alamathi Village comprised in Survey Nos.127/B, 127/2A, 127/C, Ponneri Taluk, Thiruvallur District, within a stipulated period.

For petitioner Mr. R. Abdul Mubeen

For R1 Mrs. A. Srijayanthi
Spl. Govt. Pleader

For R2 Mr. N. Sampath, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. N. Sampath, learned Standing Counsel, accepts notice for the second 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 assailing the locking, sealing, demolition and de-occupation notice dated 23 November 2015 issued by the second respondent, viz., Chennai Metropolitan Development Authority and further, for a direction to the first respondent-State Government to act on the petitioner's application dated 22 December 2015 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if a direction is issued to the first respondent-Government to dispose of the aforesaid application preferred by the petitioner, within a time frame.

4 From a perusal of the records, it transpires that the second respondent has issued locking, sealing, demolition and de-occupation notice dated 23 November 2015 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") against the petitioner. Thereagainst, the petitioner has filed an application under Section 80-A of the Act before the first respondent-Government on 22 December 2015, which is pending consideration. Along with the said application, the petitioner has also preferred an application for interim stay under the provisions of Section 80-A(3) of the Act.

5 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.

6 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., 06 January 2016, status quo as obtained today, in respect of

1 W.P.Nos. 16392 of 2015 batch.

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(CO)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Secretary to Government
Housing and Urban Development
Fort St. George
Chennai 600 009
 - 2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajar Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- + 1 cc to Mr.R. Abdul Mubeen, Advocate SR.558
+ 1 cc to Mr.N. Sampath, Advocate SR.1215
+ 1 cc to Government Pleader Sr.644

सत्यमेव जयते

W.P. No.60 of 2016

NM(CO)
EU 20.1.16

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