

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.2216 of 2015
and
M.P.No.1 of 2015

- 1 Trishla Devi
W/o.Ashok Kumar
 - 2 Manjula S.Jain
W/o.P.Shantilal Both residing at No.103
Narayana Mudali Street
Chennai 600 079
- ...Petitioners

Vs

- 1 The Secretary to the
Government Housing and Urban Development
Department Fort St.George Chennai 600 009
 - 2 The Commissioner
Corporation of Chennai Rippon Buildings
Chennai 3
 - 3 The Regional Deputy
Commissioner Corporation of Chennai (North
Zone) 62 Basin Bridge Road Old
Washermenpet Chennai 600 021
 - 4 The Executive Engineer
Zone V Corporation of Chennai 62 Basin
Bridge Road Old Washermenpet
Chennai 600 021
- ...Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 2 to 4 to forbear them from in any way interfering with the petitioners building in No.103 Narayana Mudali Street Sowcarpet Chennai-600 079

particularly by way of locking sealing and demolition in pursuance of the Notice in Letter No.DN/57/59/2014 dated 25.10.2014; during the pendency of petitioners appeal dated 08.12.2014 on the file of the 1st respondent.

For petitioner : Mr. S. Santhosh

For respondents : Mr. N. Sakthivel, GA for R1
Mr. R. Arunmozhi for RR2 to 4

ORDER

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

With consent, the main writ petition is taken up for final consideration on the admission stage itself.

2 Mr. R. Arunmozhi, learned Standing Counsel, accepts notice for the respondents.

3 The grievance of the petitioner is that the petitioners have filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 on 25-10-2014 against the order of lock and seal and till now no order has been passed.

4 Since the appeal as stated above is still pending, this writ petition cannot be entertained. However, the first respondent is directed to consider the appeal filed by the petitioner dated 08-12-2014 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. As the stay petition is also pending, which is maintainable under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971, the first respondent is directed to pass orders in the stay petition, within a period of two weeks from today. Till orders are passed in the stay petition i.e., for two weeks, status quo as on today shall be maintained by both the parties.

5 The writ petition is disposed of with the above direction. No costs. The connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

glp

To

- 1 The Secretary to the
Government Housing and Urban Development
Department Fort St.George Chennai 600 009
- 2 The Commissioner
Corporation of Chennai Rippon Buildings
Chennai 3
- 3 The Regional Deputy
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- 4 The Executive Engineer
Zone V Corporation of Chennai 62 Basin
Bridge Road Old Washermenpet
Chennai 600 021

- 1 CC to Mr. S. Santhosh, Advocate SR.No. 4865
- 1 CC to Mr. R. Arunmozhi, Advocate SR.No.5381
- 1 CC to the Government Pleader, SR.No. 5302

RSY (CO)
PSI (09.02.2015)

W.P.No.2216 of 2015

सत्यमेव जयते

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