

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2016

CORAM

The Hon'ble MR.JUSTICE K.KALYANASUNDARAM

AND

The Hon'ble MR.JUSTICE D.KRISHNAKUMAR

W.P.No.18163 of 2016 & WMP.No.15930 of 2016 &
W.P.No. 18217 of 2016 & WMP.No.15964 of 2016

B.Balanagamanickam ...Petitioner in
W.P.No.18163/2016

N.Saisankar ...Petitioner in
W.P.No.18217/2016

Vs.

1.The State
Rep. by the Secretary,
Department of Municipal Administration
and Water Supply,
Housing and Urban
Development Department,
Fort St. George, Chennai-9

..1st respondent in
W.P.No.18163/2016

2.The State
Rep. by the Secretary,
Department of Municipal Administration,
Housing and Urban Development Department,
Fort St. George, Chennai-9

सत्यमेव जयते...1st respondent in
W.P.No.18217/2016

3. The Commissioner,
Udumalpet Municipality,
Udumalpet,
Tiruppur District.

..2nd Respondent in both WPs

Prayer :- Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the second respondent or anybody on their behalf from initiating any coercive action of locking and sealing or demolition of the building situated at Door Nos.243 and 244 respectively, Pollachi Palani Road, Udumalpet, Tiruppur District owned by the petitioners pending determination of the Special Revision Petition filed by the petitioners before the first respondent seeking exemption under Section 80(A) (1) of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.T.Thiagesswaran
in both WPs for Waraon and Sai Rams

For Respondents : Mr.P.Sanjay Gandhi
in both WPs Additional Government Pleader

C O M M O N O R D E R

(delivered by K.KALYANASUNDARAM, J.)

These Writ Petitions have been filed forbearing the second respondent or anybody on their behalf from initiating any coercive action of locking and sealing or demolishing the property of the petitioners pending determination of the Special Revision Petition filed by them before the first respondent seeking exemption under Section 80(A) (1) of the Tamil Nadu Town and Country Planning Act, 1971.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader on behalf of the respondents.

3. It is submitted by the learned counsel for the petitioners that challenging the order passed by the second respondent, the petitioners have filed an appeal before the first respondent on 13.05.2016 and also filed an application seeking stay of the order passed by the second respondent. However, the first respondent has not passed any order in the stay application.

4. Though the petitioners have sought for a larger relief of mandamus as stated supra, the learned counsel for the petitioners would submit that the petitioners would be satisfied if a direction is issued to the first respondent to dispose of the stay application, which is pending before the first respondent.

5. In the light of the submissions made by the learned counsel for the petitioners, the first respondent is directed to dispose of the stay application filed by the petitioners, if any, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this Order.

6. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

vrc/svki

To

1.The Secretary,
Department of Municipal Administration
and Water Supply,
Housing and Urban Development Department,
Fort St. George,
Chennai.

2.The Secretary,
Department of Municipal Administration,
Housing and Urban Development Department,
Fort St. George, Chennai.

3. The Commissioner,
Udumalpet Municipality,
Udumalpet, Tiruppur District.

+1cc to M/s.Waraon & Sai Rams, Advocate, S.R.No.28410

+1cc to the Government Pleader, S.R.No.28695

1 cc to M/s. Waron and Sai Rams, Advocate, Sr.28412 (6/6/2016)

SV(CO)
EU(30/05/2016)

W.P.Nos.18163 and 18217 of 2016

सत्यमेव जयते

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