



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.11.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P (MD) No.22409 of 2016
and
W.M.P (MD) No.6043 of 2016

R.PONVENTHAN
S/O.V.RAMACHANDRAN
247 A/9 PALAYAMKOTTAI ROAD
TUTICORIN 628 002

... Petitioner

Vs.

1. THE SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
FORT.ST.GEORGE CHENNAI 600 109.
2. THE MEMBER SECRETARY,
TUTICORIN LOCAL TOWN PLANNING AUTHORITY,
NO.51 WEST CAR STREET TUTICORIN 628 002.
3. THE COMMISSIONER,
TUTICORIN MUNICIPAL CORPORATION,
TUTICORIN.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 2nd Respondent herein from in any manner giving effect to the proceedings of the 2nd Respondent herein bearing Na.Ka. 73/2015/TLTP dated 4.11.2016 in respect of Town Survey T.S.No.1370/1 1371/2 and 1372/1A2 in Block No.15 Ward No.2 of Tuticorin till the statutory application filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act 1971 filed on 21.11.2016 is disposed of by the 1st Respondent herein in accordance with law.

For Petitioner	:	Mr.ARL.Sundaresan Senior Counsel for for Mr.V.Sanjeevi
For Respondents	:	Mr.T.R.Janarthanam Addl. Government Pleader



ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

In this writ petition, the petitioner challenges the order of Local Planning Authority, Tuticorin, by his proceedings in Na.Ka.No.601/2012 dated 13.08.2012, wherein, the authority has directed the petitioner to de-occupy the building in question comprised in TS.No.1370/1, 1371/2 and 1372/1A2 in Block No.15, Ward No.2 of Tuticorin. The petitioner has constructed the building on these properties obtaining permission from the Local Planning Authority. But the Authority has found certain violations. On that ground, the Authority has taken action and ordered for de-occupation. As against the same, the petitioner has filed an appeal, which is pending on the file of the 1st respondent. Out of abundant caution, the petitioner has also submitted a revised plan, which is pending on the file of the 2nd respondent. Pending these proceedings, now, the impugned order has been issued by the 2nd respondent for de-occupation. Challenging the same, the petitioner is before this Court with this writ petition.

2. We have heard the learned senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. We have also perused the records carefully.

3. The relief sought for in the petition is only a limited one, wherein, the petitioner has stated that the impugned order shall not be given effect to until the first respondent dispose it of the statutory application filed by the petitioner under Section 80A of the Town and Country Planning Act of 1971 dated 21.11.2016. There is no denial of fact that such petition is now pending with the first respondent. In view of the same, we are of the view that the relief sought for could be granted in this matter.

4. In the result, the writ petition is allowed with a direction to the respondents to keep the impugned proceedings in abeyance until the 1st respondent disposes of the statutory application filed under Section 80A of the Town and Country Planning Act, 1971 dated 21.11.2016. The first respondent is directed to dispose of the said application within a period of three months from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition in W.M.P.No.16043/2016 is closed.

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar



To

1. THE SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
FORT.ST.GEORGE CHENNAI 600 109.

2. THE MEMBER SECRETARY,
TUTICORIN LOCAL TOWN PLANNING AUTHORITY,
NO.51 WEST CAR STREE, TTUTICORIN 628 002.

3. THE COMMISSIONER,
TUTICORIN MUNICIPAL CORPORATION,
TUTICORIN

+1cc to Mr.V.Sanjeevi, Advocate, SR.No.71506

+1cc to The Special Government Pleader SR.No.72443

RR

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and M.P.No.16043 of 2016
23.11.2016