



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.11.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.22578 of 2016

and

W.M.P. (MD) Nos.16163 and 16164 of 2016

Dr.T.Rajesh Tilak

: Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its
Secretary to the Government,
Housing and Urban Development Department,
Secretariat,
Chennai-9.

2.The Local Planning Authority,
Rep. by its Member Secretary,
No.51, West Car Street,
Tuticorin-2.

3.Tuticorin Corporation,
Rep. by its Commissioner,
Tuticorin-2.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.628/2013, dated 04.11.2016 on the file of the second respondent and quash the same as illegal and consequently, for a direction, forbearing the respondents from initiating any coercive action of locking and sealing and demolition with regard to the petitioner's building put up at T.S.No.29 Pt., Door No.9A, Chidambara Nagar, 4th Street, Tuticorin-8 under Town and Country Planning Act till the disposal of petitioner's revision application dated 16.11.2016 submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents 1&2 : Mr.T.R.Janarthanan,

Additional Government Pleader

**O R D E R**

[Order of the Court was made by **M.V.MURALIDARAN, J.**]

The petitioner, challenging the notice issued under Sections 56(2A) and 57(4) of the Tamil Nadu Town and Country Planning Act, 1971, has come up with the present Writ Petition.

2. The case of the petitioner is that he is the owner of the building comprised in T.S.No.29, Pt., Door No.9A, Chidambara Nagar, 4th Street, Tuticorin-8 and he has constructed the building in question in the year 2009 and also made an application for building plan approval before the third respondent Corporation and the same is pending. Meanwhile, the second respondent has issued a notice dated 28.05.2013 stating that the construction at the above mentioned site was inspected on 08.05.2013 and directed him to stop the work immediately within 3 days. Aggrieved by the said notice, he has made an application under Section 56(3) of the Tamil Nadu Town and Country Planning Act, 1971 [hereinafter referred to as 'the Act']. While so, the respondents issued the present notice under Sections 56(2A) and 57(4) of the Act. Aggrieved over the said notice, the petitioner filed a revision before the first respondent under Section 80-A of the Act and the same is pending.

3. We have heard the learned counsel for the petitioner and the learned Additional Government Pleader, taking notice on behalf of the first and second respondents. We have also perused the records carefully.

4. Without going into the merits of the case, we direct the first respondent to consider the revision filed by the petitioner dated 16.11.2016 under Section 80-A of the Act and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till such time, the impugned notice shall be kept in abeyance.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1.The Secretary to the Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Secretariat,
Chennai-9.

2.The Member Secretary,
Local Planning Authority,
No.51, West Car Street,
Tuticorin-2.

3.The Commissioner,
Tuticorin Corporation,
Tuticorin-2.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No. 72777
+1cc to Spl.Government Pleader Sr.No. 72684

JAM/09.12.16/SK-SKN/ 3p-6c

Order made in
W.P. [MD] .No.22578 of 2016
24.11.2016