



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7775 of 2017

and

W.M.P. (MD)No.6049 of 2017

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M/s.K.Chinnadurai & Company,
Rep. By its Partner,
130/1, North Car Street,
Tiruchendur-628 215.

.. Petitioner

Vs.

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

2. The Deputy Director,
Tirunelveli Local Authority,
108, Tiruvanandapuram Road,
Tirunelveli Division,
Tirunelveli District.

3. The Executive Officer,
Tiruchendur,
Special Grade Town Panchayat,
Tiruchendur,
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to pass orders on the statutory application, preferred by the petitioner on 27.03.2017 under Sections 80-A of T.N Act 35 of 1972 within the time that may be stipulated by this Court and consequently forbear the second respondent from taking any coercive action in furtherance of his notice in Na.Ka.No.2087/2016.Thi.Li.M3(15) dated 13.04.2017 pending final determination of such statutory application by the first respondent.

For Petitioner

: Mr.M.Mahaboob Athiff

For M/s Ajmal Associates

For RR 1 & 2

: Mr.T.S.Mohammed Mohideen,

<https://hcservices.ecourts.gov.in/hcservices/>

Additional Government Pleader,

For R - 3

: No Appearance



O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

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Aggrieved by the notice, dated 20.02.2017 issued by the second respondent, the writ petitioner herein preferred a statutory appeal before the first respondent herein. In the meanwhile, the second respondent issued notice in Form-2 on 13.04.2017 proposing locking and sealing of the writ petitioner's premises. Therefore, this necessitated the petitioner for filing of the Writ Petition seeking a Writ of Mandamus for directing the first respondent to pass orders on his statutory appeal dated 27.03.2017.

2.The writ petitioner has also sought to restrain the second respondent from taking any coercive action pursuant to his notice dated 13.04.2017, pending final determination of such statutory application before the first respondent.

3.When the matter was taken up for hearing, the learned counsel for the petitioner produced a copy of the proceedings dated 06.07.2017 issued by the Tamil Nadu State Coastal Zone Management Authority indicating that the site in question is located outside the prohibited zone.

4.It is open to the petitioner to produce the material before the first respondent.

5.We direct the first respondent to take up the stay application at the first instance or the appeal itself straightaway. Till the stay application is taken up, the respondents are restrained from taking any coercive action pursuant to the notice dated 13.04.2017. The first respondent shall dispose of the main appeal within a period of four months from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary to the Government,
Housing and Urban Development Department,
Secretariat,
Chennai.

2. The Deputy Director,
Tirunelveli Local Authority,
108, Tiruvanandapuram Road,
Tirunelveli Division,
Tirunelveli District.

3. The Executive Officer,
Tiruchendur,
Special Grade Town Panchayat,
Tiruchendur,
Thoothukudi District.

+1cc to The Spl.Government Pleader Sr.No.66584

PS/SM

VB/MR-KKR/SAR2/27.07.2017/3P/5C

W.P (MD) No. 7775 of 2017

18.07.2017