



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.06.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P.(MD)No.11782 of 2018
and
W.M.P.(MD)No.10696 of 2018

L.Nalla Perumal ... Petitioner

-Vs-

- 1.The Director of Town and Country Planning,
807, Annasalai,
Chennai- 600 002.
- 2.The Member Secretary,
Local Planning Authority,
11-A Ramanpillai Street,
Ramavarampuram,
Nagercoil,
Kanyakumari District. ... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents or their subordinates from taking any coercive action against the petitioner's shop building namely "M/s.Nallaperumal & Sons" in Door No.32/1-700, Veppamoodu Junction, Nagercoil, Kanyakumari District pending disposal of the revision application submitted by the petitioner under Section 80 of Tamil Nadu Town and Country Planning Act 1971, in the light of the judgment of this Court in Natarajan Vs. Secretary to Government, W.P.No.26229 of 2016 dated 27.07.2016 and Amanulla -Vs- The Government of Tamil Nadu, W.P.(MD)Nos.9064 and 9065 of 2017 dated 17.05.2017.

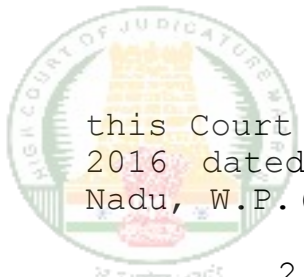
For Petitioner : Mr.M.Ajmal Khan, Senior counsel
for M/s Ajmal Associates

For Respondents: Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

(Order of the Court was made by M.V.MURALIDARAN, J.)

The petitioner seeks for a Writ of Mandamus, to forbear the respondents or their subordinates from taking any coercive action against the petitioner's shop building namely "M/s.Nallaperumal & Sons" in Door No.32/1-700, Veppamoodu Junction, Nagercoil, Kanyakumari District, pending disposal of the revision petition submitted by the petitioner under Section 80(a) of the Tamil Nadu Town and Country Planning Act 1971, in the light of the orders of



this Court in Natarajan Vs. Secretary to Government, W.P.No.26229 of 2016 dated 27.07.2016 and Amanulla -Vs- The Government of Tamil Nadu, W.P.(MD)No.9064 and 9065 of 2017 dated 17.05.2017.

2.Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that though the second respondent has issued the notice under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 against this petitioner on 29.11.2012, earlier the petitioner has approached this Court by way of Writ Petition in W.P.(MD)No.8132 of 2013 and this Court, by an order dated 21.02.2018, directed the petitioner to file appropriate revision petition under Section 80 (a) of the said Act. Accordingly, the petitioner filed a revision on 01.05.2018 before the first respondent / Director of Town and Country Planning and the same is pending.

4. It is the further case of the petitioner that while his revision under Section 80(a) of the Act is pending, the respondents are threatening for demolishing the property as per the notice issued under Section 56 of the Act, on 29.11.2012. Hence, the petitioner has approached this Court.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who takes notice for the respondents.

6. Though the petitioner has filed the present Writ Petition only for the limited prayer seeking for a direction to the first respondent to dispose of his revision, within a stipulated period and till such time, not to take any coercive action, the prayer sought for by the petitioner is considered by this Court and the learned Special Government Pleader has also agreed to dispose of the said revision filed under Section 80(a) of the Act within the stipulated period.

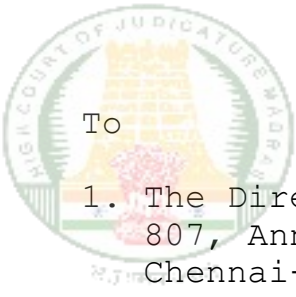
7. In the result, this Writ Petition is disposed of, directing the first respondent to pass appropriate orders in the revision filed by the petitioner on 01.05.2018 under Section 80(a) of the Act, within a period of three months from the date of receipt of a copy of this order by giving fair opportunity to the petitioner viz., the personal hearing of the petitioner. Till such time, the respondents are directed not to take any coercive action against the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar



To

1. The Director of Town and Country Planning,
807, Annasalai,
Chennai- 600 002.

2. The Member Secretary,
Local Planning Authority,
11-A Ramanpillai Street,
Ramavarampuram,
Nagercoil,
Kanyakumary District.

+1CC to the Special Government Pleader SR.No.66548

W.P. (MD) No.11782 of 2018
01.06.2018

TA/PM
VE/JC/SAR 3/11.06.2018/3P/4C