



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition (MD).No.19110 of 2017

and

W.M.P(MD).Nos.15492 of 2017

B.K.N.Gokulnath

... Petitioner

Vs.

1.The Director,
Town and Country Planning,
No.801, Anna Salai,
Chennai.

2.The Members Secretary,
Madurai Local Planning Authority,
Corporation Building,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, to forbear the respondents, from taking any coercive action on the basis of the notice issued by the second respondent in his proceedings in Na.Ka.No.828/2017/MD.5 dated 08.09.2017 pending final determination of the retention application, submitted by the petitioner dated 26.09.2017 under Section 56(3) of the Tamil Nadu Town Country Planning Act, 1971.

For Petitioner	:	Mr.Mahaboob Athiff
For Respondents	:	Mr.D.Muruganantham Additional Government Pleader

ORDER

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

Heard Mr.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

2.The petitioner seeks for a writ of mandamus to forbear the respondents from taking coercive action on the basis of the notice issued by the second respondent dated 08.09.2017, pending determination of the retention application submitted by the petitioner under Section 56(3) of the Tamilnadu Town and Country Planning Act, 1971, dated 26.09.2017.



3.The learned counsel for the petitioner pointed out that when similar relief sought for by this Division Bench in W.P(MD).No.22998 of 2017 (*A.Rawthar Kani v. The Director and other*) by an order dated 14.12.2017, the Division Bench directed the authority to dispose of the retention application after adhering to the principles of natural justice.

4.Considering the fact that the retention application is pending before the first respondent dated 26.09.2017, we direct the first respondent to dispose of the application on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Till then, the status-quo with regard to the building in question shall be maintained, making it clear that the petitioner shall not effect any further construction and abide the decision of the first respondent.

5.With the above direction, this writ petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.The Director,
Town and Country Planning,
No.801, Anna Salai,
Chennai.

2.The Members Secretary,
Madurai Local Planning Authority,
Corporation Building,
Madurai.

+1cc to M/S.AJMAL ASSOCIATES, Advocate, SR.No. 51468

+1cc to M/s.Special Government Pleader,SR.No. 51962

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rmk/mrn
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