

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.15163 of 2019 and
W.M.P.Nos.15156, 15568 & 16677 of 2019

M/s.Saravana Selvarathnam Retail Pvt Ltd.,
Rep. by its Managing Director,
Mr.Saravana Arul,
Having office at No.14, Ranganathan Street,
T.Nagar,
Chennai - 600 017. .. Petitioners

v.

- 1 The Member Secretary,
Local Planning Authority Corporation,
Commercial Complex,
Sivananda Colony,
Coimbatore -12.
- 2 The Commissioner,
Corporation of Coimbatore,
Town Hall,
Coimbatore -641 001.
- 3 The Assistant Commissioner,
Central Division,
Corporation of Coimbatore,
Coimbatore 641 018. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the 1st respondent herein in Na.Ka.No.1383/2017/U.Thi.Ku-1, dated 27.05.2019 and quash the same and consequently direct the respondents to remove the lock and seal in the building situated in Door No.195 to 202, Oppanakkara Street, Coimbatore and serve notice on the writ petitioner and to direct the respondent to hold and enquiry by following principles of natural justice.

For Petitioner : Mr.Karthikeyan G.

For Respondents : Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader - for R1
Mr.R.Sivakumar - for R2 & R3

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari Mandamus to call for records pertaining to the impugned order passed by the 1st respondent dated 27.05.2019, to quash the same and consequently direct the respondents to remove the lock and seal in the building situated in Door No.195 to 202, Oppanakkara Street, Coimbatore and serve notice on the writ petitioner and to direct the respondent to hold an enquiry by following principles of natural justice.

2.The 1st respondent issued the impugned notice dated 27.05.2019 under section 56(2A) of the Town and Country Planning Act, 1971. On a perusal of the impugned order dated 27.05.2019, which was issued for locking and sealing of the Departmental Store in the name of Saravana Selvarathnam functioning at Oppanakkara Street in T.S.No.1350, 1351/1, 2, 1352 and 1355, Block No.14, Ward No.6, Central Zone, Coimbatore Corporation, it could be seen that a notice under Form-II, dated 09.03.2018 was served on the petitioner granting 30 days time for submitting drawings for building approval. The petitioner failed to submit the drawings as called for, even after the expiry of 30 days time. In these circumstances, the 1st respondent had issued the impugned notice for locking and sealing under section 56(2A) of the Act.

3. It is not in dispute that the petitioner has got remedy by way of an appeal under section 80-A of the Town and Country Planning Act before the Government.

4. The learned counsel appearing for the petitioner submitted that the petitioner would file an appeal along with the stay petition before the Appellate Authority and the Appellate Authority may be directed to dispose of the appeal to be filed by the petitioner within a time frame.

5. Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader, appearing for the 1st respondent, submitted that the Appellate Authority may be directed to dispose of the stay petition within a period of two weeks' time and the appeal within a period of six weeks' time.

6. Having regard to the submissions made by the learned counsel on either side, since the petitioner has got remedy by way of an appeal before the Government under section 80-A of the Town and Country Planning Act, we direct the petitioner to file an appeal along with the stay petition, within a period of one week from the date of receipt of a copy of this order and the Appellate Authority is directed to dispose of the stay petition to be filed by the petitioner, within a period of two weeks from the date of presentation of the same. We also direct the Appellate Authority to dispose of the appeal to be filed by the petitioner under section 80-A of the Town and Country Planning Act, within a period of six weeks from the date of presentation of the appeal.

With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Member Secretary,
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Sivananda Colony,
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- 2 The Commissioner,
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Town Hall,
Coimbatore -641 001.
- 3 The Assistant Commissioner,
Central Division,
Corporation of Coimbatore,
Coimbatore 641 018.

+1 cc to Mr.G.Karthikeyan, Advocate, S.R.No.49843

+1cc to Mr.R.Shanmugam, Advocate SR.No.49954 (12/12/2019)

+1cc to Mr.V.Ragavachari, Advocate SR.No.50409 (12/12/2019)

+1cc to Mr.P.S.Sivashanmuga Sundaram, Advocate SR.No.51086
(12/12/2019)

+1cc to Mr.R.Sivakumar, Advocate SR.No.50765 (12/12/2019)

+1cc to Government Pleader SR.No.5058612/12/2019)

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PM(CO)
SSM(19/06/2019)



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