



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.05.2019

CORAM:

THE HON'BLE MRS.JUSTICE J.NISHA BANU
AND

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.[MD].No.12017 of 2019

and

W.M.P(MD)No.9056 of 2019

A.Velusamy

: Petitioner

vs.

1. The Principal Secretary,
Town and Country Planning & Housing Board,
Secretariat,
St. George Fort,
Chennai-600 009.

2. The Commissioner,
Town and Country Planning & Housing Board,
No.807, Anna Salai,
Chennai.

3. The Member Secretary/Municipal Commissioner,
Kodaikanal Municipality,
Kodaikanal Local Planning Authority,
Kodaikanal.
Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to take the appeal filed by the petitioner dated 07.03.2019 read along with representation dated 06.05.2019 and dispose of the same within a stipulated time framed by this Court.

For Petitioner : Mr.G.Prabhu Rajadurai
for Mr.B.Prasanna Vinoth
For Respondents : M/s.J.Padmavathi Devi
Special Government Pleader

ORDER

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

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. By consent of both sides, the writ petition is taken up for disposal.



3.This writ petition has been filed seeking a direction to the first respondent to take the appeal filed by the petitioner dated 07.03.2019, considering the representation dated 06.05.2019 and dispose of the same.

4.The learned counsel appearing for the petitioner submitted that pursuant to the order of this Court in W.M.P(MD)No.3668 of 2019 in W.P(MD)No.914 of 2018, the Government has to take action against the buildings that are constructed un-authorizedly. Admittedly, the petitioner's building is within Town Planning area and covered under Anandagiri West Town Planning Scheme, vide G.O.Ms.No.2472 of RD & LA, dated 16.12.1969 and the same is semi commercial zone. The third respondent, without considering neither the above aspects nor issuing any notice, has sealed the petitioner's premises under Section 56(2A) of Town & Country Planning Act, on the pretext of the order of this Court, which will not apply to the petitioner's case. Further, the petitioner filed an appeal before the first respondent under Section 80(A) of the Town and Country Planning Act. Till date, the first respondent has taken any action. Further, it would suffice, if the said authority is directed to dispose of the appeal filed by the petitioner.

5.Considering the limited scope of the relief sought for in this writ petition, the first respondent is directed to dispose of the appeal filed by the petitioner under Section 80(A) of the Town and Country Planning Act, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

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

sd/
Vacation Officer

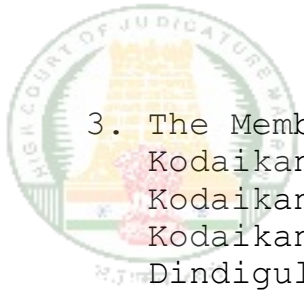
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Sub Assistant Registrar

To

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Chennai-600 009.

2. The Commissioner,
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3. The Member Secretary/Municipal Commissioner,
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+1 CC to Mr.B.PRASANNA VINOTH, Advocate (SR-65787[F] dated
15/05/2019)

W.P. [MD] .No.12017 of 2019
15.05.2019

am

MK/16.05.2019/3P/5C