



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.13811 of 2019

and

W.M.P. (MD) No.10328 of 2019

Dr.William Jebes Bensam

: Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai - 9.

2. The Member Secretary,
Local Town Planning Office,
Raman Pillai Street,
Nagercoil, Kanyakumari District.

3. The Commissioner,
Nagercoil Corporation,
Nagercoil, Kanyakumari District.

: Respondents

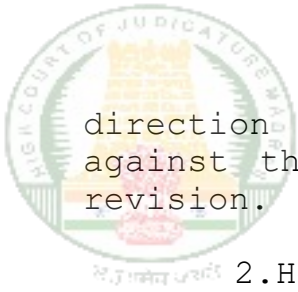
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the first respondent to entertain the revision along with stay application preferred by the petitioner dated 14.06.2019 and pass orders in accordance with law within a time frame as fixed by this Court and consequently directing the third respondent from taking coercive steps against the petitioner's property in Re-survey No.A1/43-12 of Vadasery village to an extent of 52 cents till the disposal of the above revision preferred by the petitioner.

For Petitioner	: Mr.P.T.Ramesh Raja
For R-1 and R-2	: Mr.V.R.Shanmuganathan Special Government Pleader
For R-3	: Mr.P.Aathimoolapandian

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This writ petition is filed seeking for a direction to the first respondent to entertain the revision along with stay application preferred by the petitioner, dated 14.06.2019 and pass orders in accordance with law, with a consequential relief, for a



direction to the third respondent not to take any coercive steps against the petitioner's property till the disposal of the above revision.

2. Heard both sides.

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3. It is seen that the revision referred to in the writ petition seems to have been filed against an order, dated 02.07.2018 issued under Section 216(1) and (2) of the Tamil Nadu District Municipalities Act, 1920. However, now it is stated before us that subsequently an order is passed by the third respondent viz., the Commissioner, Nagercoil Corporation under Sections 56 and 57 of the Town and Country Planning Act, 1971, on 06.06.2019 and against the said order, the petitioner has filed a revision before the first respondent on 24.06.2019 and the same is still pending. Therefore, it is submitted by the learned counsel for the petitioner that in view of the subsequent order passed by the third respondent, on 06.06.2019, which is the subject matter of second revision dated 24.06.2019 filed before the first respondent, a suitable direction may be issued to the first respondent to consider the said revision, dated 24.06.2019 and pass orders on the same on merits and in accordance with law.

4. We are not expressing any view on the merits of the contentions raised by the petitioner as against the notice/order, impugned in the revision, as it is for the first respondent to consider the same and decide on merits and in accordance with law. As the limited prayer sought for in this writ petition for disposal of the revision, more particularly, the second revision filed by the petitioner on 24.06.2019, this writ petition disposed of only with a direction to the first respondent to consider the said revision dated 24.06.2019 and pass orders on the same on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent in the revision filed by the petitioner, no coercive steps shall be taken against the petitioner only in respect of the subject matter of the order passed on 06.06.2019. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
<https://hcservices.ecourts.gov.in/hcservices/>
Housing and Urban Development Department,
Fort St. George, Chennai - 9.



2. The Member Secretary,
Local Town Planning Office,
Raman Pillai Street,
Nagercoil, Kanyakumari District.

3. The Commissioner,
Nagercoil Corporation,
Nagercoil, Kanyakumari District.

+1 CC to Mr.M.ASHOK PADMARAJ, Advocate (SR-75119[F] dated
12/07/2019)

+1 CC to SPL GP (SR-75172[F] dated 15/07/2019)

W.P. (MD) No.13811 of 2019
12.07.2019

RJ2

MK (25.07.2019) 3P 6C