



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2019

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.15946 of 2019

and

W.M.P. (MD) Nos.12659 and 13090 of 2019

M.Shajahan

... Petitioner

Vs.

1) The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009

2) The Member Secretary,
Local Planning Authority,
Nagercoil,
Kanyakumari District.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 1st respondent to entertain the revision along with stay application dated 09.07.2019 and consequently direct the 3rd respondent from taking coercive steps like lock and seal against the property in Door No.45 and 47, Balamore Road, T.S.No.2-6, Block 3, Ward D, Nagercoil Municipality, Nagercoil , Kanyakumari District till the disposal of the revision preferred by the petitioner with the 1st respondent.

For Petitioner : Mr.Ashok Padmaraj

For RR 1 & 2 : Mr.N.Shanmugaselvam,
Additional Government Pleader

For R3 : Mr.P.Athimoola Pandian
Standing Counsel



O R D E R

(Order of the Court was made by **K.RAVICHANDRABAABU, J.**)

1. This Writ Petition is filed seeking for a Mandamus to direct the 1st Respondent to entertain the revision along with stay application dated 09.07.2019 and consequently, direct the 3rd respondent from taking coercive steps like lock and seal against the property in Door No.45 and 47, Balamore Road, T.S.No.2-6, Block 3, Ward D, Nagercoil Municipality, Nagercoil, Kanyakumari District till the disposal of the revision preferred by the petitioner with the 1st respondent.

2. We heard the learned counsel for the writ petitioner, the learned Additional Government Pleader appearing for the respondents 1 & 2 and the learned counsel appearing for the third respondent.

3. The petitioner is claiming to be a tenant in respect of the property situated at Door No.45 & 47, Balamore Road, T.S.No.2-6, Block 3, Ward D, Nagercoil Municipality, Nagercoil, Kanyakumari District and that he is running a hotel therein. It is further stated that a notice dated 20.06.2019 was issued to the petitioner and three others under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act. It is further stated that on receipt of such notice, the petitioner has preferred a revision before the first Respondent on 09.07.2019. Now, the relief sought for in this Writ Petition is for disposal of the said revision.

4. Considering the fact that the notice in Form - 2 dated 20.06.2019 was issued against the petitioner and three others, and considering the fact that the petitioner has filed a revision before the first respondent on 09.07.2019 against the said proceedings, it is for the first respondent to consider the said revision and pass orders on the same on merits and in accordance with law, as we are not expressing any view on the merits of the claim made by the petitioner in his revision. Therefore, this writ petition is disposed of only with a direction to the first respondent to consider the revision filed by the petitioner and pass orders 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 the first respondent disposes the revision, no coercive steps shall be taken against the writ petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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To

1) The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009

2) The Member Secretary,
Local Planning Authority,
Nagercoil,
Kanyakumari District.

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

+1 CC to M/s.M.ASHOK PADMARAJ, Advocate SR-79384.

Order made in
W.P. (MD) No.15946 of 2019

CS(13.09.2019) 3P 5C