



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.3089 of 2020
and W.M.P.No.3634 of 2020

N.Mithalal ... Petitioner

Vs.

1.The Corporation of Coimbatore,
Rep. by its Commissioner,
Coimbatore.

2.The Assistant Executive Engineer (Planning),
Coimbatore Corporation,
Coimbatore.

3.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 1 to 3 or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building at Ward No.80, Door No.680/681, Oppanakkara Street, Town Hall, Coimbatore pending determination of the Special Revision petition submitted by the petitioner under Section 80-A and 80-A(3) of the Town and Country Planning Act dated 05.02.2020 with the third respondent.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondent Nos.1 & 2 : Mr.V.Jayaprakash Narayan

For Respondent No.3 : Mr.V.Shanmuga Sundar
Special Government Pleader



of the unauthorised building. Feeling aggrieved, the petitioner has come up with the Writ Petition.

5. Though, so many contentions have been raised by the learned counsel appearing for the petitioner, now the crux of the submission is that the petitioner has already preferred Special Revision Petition along with Stay Application and the same is pending before the third respondent. Thus, he prayed to stay the operation of the impugned order.

6. The learned Special Government Pleader appearing for the third respondent submitted that, as against the Notice dated 03.01.2020, petitioner is having an appellate remedy under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. Moreover, the petitioner has already filed appeal/Special Revision Petition under Section 80-A of the said Act and the same is also pending before the appellate authority, Thus, he sought for dismissal of the Writ Petition.

7. In view of the submission made by the learned counsel appearing on either side, this Court is constrained to pass the following order:-

"Since the petitioner has already preferred Special Revision Petition along with Stay Application under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971 to the third respondent, the third respondent is directed to first consider the application for stay and pass orders thereon, preferably within a period of three weeks from the date of receipt of a copy of this order. Till such time, the Stay Application is disposed of, the respondents shall maintain status quo. After disposal of the Stay Application, the third respondent is directed to dispose of the main appeal/Special Revision Petition itself within a period of six weeks thereafter, after affording an opportunity of personal hearing to the petitioner."

8. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

sri



To

1.The Commissioner,
Corporation of Coimbatore,
Coimbatore.

2.The Assistant Executive Engineer (Planning),
Coimbatore Corporation,
Coimbatore.

3.The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

+1cc to SPL. GP.SR.No.11365.

W.P.No.3089 of 2020
and W.M.P.No.3634 of 2020

GJ(CO)
CSR: 26.02.2020