

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.5555 of 2020
and
W.M.P.No.6509 of 2020

R.Angulakshmi, F/65,
W/o.Rangasamy,
73, Main Road,
Konnamadai,
Nambiyur,
Erode District.

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Housing and Urban Development,
Secretariat,
Chennai - 600 009.

2.The Executive Officer,
Nambiyur Selection Grande Panchayat,
Nambiyur,
Erode.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to maintain status quo till the disposal of the stay petition and revision petition dated 22.02.2020 filed before the 1st respondent against the order made in Na. Ka. No. 119/2018/A2, dated 18.02.2020 passed by the second respondent.

For Petitioner : Mr.N.Manoharan.

For Respondent : Mr.P.S.Siva Shanmuga Sundaram,
Special Government Pleader.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The petitioner has purchased the subject matter of the property measuring 4171 1/2 Sq.ft., comprised in R.S.Nos. 675/9, 675/10, 675/11 and 675/12 under a sale deed dated 26.05.1986 at Nambiyur. There is a property dispute between the petitioner and the neighbours of the petitioner and so, the neighbours of the petitioner have filed a suit in O.S.No.78 of 2018 for permanent injunction against the petitioner and the same is pending.

2.In the meanwhile, the neighbours of the petitioner have also filed a writ petition in W.P.No.13221 of 2018 to consider the representation dated 17.04.2018 and the said Writ Petition was disposed by this Court on 31.05.2018, directing the second respondent herein to consider the representation dated 17.04.2018 after giving due opportunity to both the parties.

3.However, the learned Counsel for the petitioner submitted that on 12.07.2018 an application was filed before the second respondent for getting plan approval and the said application was rejected and the second respondent has passed an order on 18.02.2020 in Na. Ka. No.119/2018/A2 to de-occupy the building. Aggrieved over the said order, the petitioner moved a revision petition along with a stay petition before the first respondent under Section 80 (A) of the Town and Country Planning Act, 1971 on 22.02.2020 seeking to set aside the Order dated 18.02.2020 passed by the second respondent. When that is the position, the petitioner's property has been sealed and left with no other go, the petitioner is before this Court.

4.Heard Mr.N.Manoharan, learned Counsel for the petitioner and Mr.P.S.Siva Shanmuga Sundaram, learned Special Government Pleader for the respondents.

5.When revision has been filed under Section 80 (A) of the Town and Country Planning Act, 1971, the authorities have to wait till the disposal of the revision. However, it seems that steps have been taken to seal the petitioner's property. Further, it is seen that when the rights of the parties are in question which have to be decided in the suit, steps have been taken hurriedly by the second respondent. Therefore, the second respondent is directed to de-seal the premises and hand over to the petitioner pending disposal of the revision filed under Section 80 (A) of the Town and Country Planning Act, 1971 and the first respondent is directed to dispose of the said revision within a period of 12 weeks from the date of receipt of the copy of this order.

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Housing and Urban Development,
Secretariat,
Chennai - 600 009.

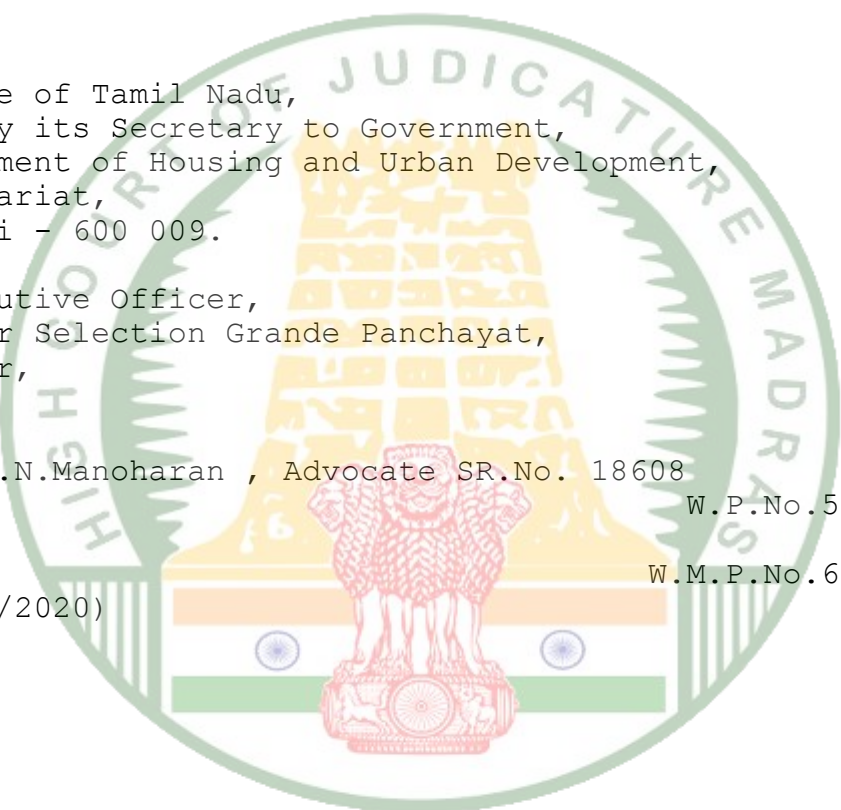
2.The Executive Officer,
Nambiyur Selection Grande Panchayat,
Nambiyur,
Erode.

+1cc to Mr.N.Manoharan , Advocate SR.No. 18608

W.P.No.5555 of 2020
and

W.M.P.No.6509 of 2020

A.SK(03/03/2020)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. Below the lion is a red wheel (Chakras) with a central hub. The entire emblem is set against a background of horizontal stripes in green, white, and green. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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