

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.8423 of 2020

and

W.M.P.No.10123 of 2020

Tini Korah

S/o.M.J.Welcome

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its
Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 600009.

2.The Municipality of Coonoor,
Office of the Coonoor Municipality,
represented by its Commissioner,
Coonoor - 643101.

3.The Executive Engineer,
Electricity Department,
Coonoor Municipality,
Coonoor - 643101.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus forbearing the respondents 2 and 3 from taking coercive action in respect of property bearing No.R.S.No.1119/3, T.S.No.8/1B, of ward B in Block 53 of Coonoor Town to an extent of 0.07.69 hectares or 0.19 acres pursuant to the notice bearing No.Ka.Vi.No.126/2016/F-1 dated 08.06.2020 pending disposal of the appeal filed by the petitioner u/s.80A of the Town and Country Planning Act, 1971, dated 18.03.2020 on the file of first respondent.

For Petitioner : Mr.M.Raja Sekhar

For Respondents: Mr.V.Shanmuga Sundar
Special Government Pleader [R1]
Mr.P.Srinivas [R2]
Mr.N.Damodharan [R3]

ORDER

The present Writ Petition has been filed seeking issuance of a Writ of Mandamus forbearing respondents 2 and 3 from taking coercive action in respect of property bearing No.R.S.No.1119/3, T.S.No.8/1B, of ward B in Block 53 of Coonoor Town to an extent of 0.07.69 hectares or 0.19 acres pursuant to the notice bearing No.Ka.Vi.No.126/2016/F-1 dated 08.06.2020 pending disposal of the appeal filed by the petitioner u/s.80A of the Town and Country Planning Act, 1971, dated 18.03.2020 on the file of first respondent.

2. Heard learned counsel for petitioner, learned Special Government Pleader appearing for first respondent and learned counsel appearing for respondents 2 and 3.

3. Though very many contentions have been raised by learned counsel appearing for petitioner, the crux of the submission is that he has already preferred a Special Revision Petition along with a stay application and the same is pending before the first respondent.

4. Learned Special Government Pleader appearing for first respondent submits that as against the notice dated 08.06.2020, petitioner has already filed an appeal before the first respondent and the same is pending.

5. Since the petitioner has already preferred an appeal along with a stay application u/s.80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971, before the first respondent, the first 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 the disposal of the stay application, respondents shall maintain status quo. After disposal of the stay application, first respondent is directed to dispose of the main appeal within a period of eight weeks thereafter, after affording an opportunity of personal hearing to the petitioner.

The Writ Petition is disposed of with the above direction.
No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 600009.
- 2.The Municipality of Coonoor,
Office of the Coonoor Municipality,
represented by its Commissioner,
Coonoor - 643101.
- 3.The Executive Engineer,
Electricity Department,
Coonoor Municipality,
Coonoor - 643101.

Writ Petition No.8423 of 2020

RSV(CO)
GN(30/07/2020)

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