

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.13719 & 13723 of 2020
and W.M.P.Nos.17062 & 17064 of 2020

Abhishek Poddar .. Petitioner in
W.P.No.13719 of 2020

M/s.Sushila Poddar
rep.by her Power Agent,
Mr.E.B.Sethna ...Petitioner in
W.P.No.13723 of 2020

Vs

1.The Government of Tamil Nadu,
rep.by its Secretary,
Housing and Urban Development Department,
Fort St.George, Secretariat,
Chennai-600 009

2.The Member Secretary/Commissioner,
Coonoor Municipality,
Coonoor Local Planning Authority,
Coonoor-643 102

3.The Executive Engineer,
Electricity Department,
Coonoor-643 102

... Respondents in
both W.Ps.

Prayer in W.P.No.13719 of 2020:Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents 2 and 3 from taking coercive action in respect of property bearing No.New T.S.No.A/28/12/1A Part, Coonoor Town and Coonoor Taluk, pursuant to the Letter No.17, Reg-B.A.No.77/2016/F1, BL No.68/2016/F1, dated 03.09.2020 pending disposal of the Appeal filed by the petitioner under Section 80A of the Town and Country Planning Act, 1971 dated 17.09.2020 on the file of the first respondent.

Prayer in W.P.No.13723 of 2020:Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents 2 and 3 from taking coercive action in respect of property bearing No.New T.S.No.A/28/12/1A Part, Coonoor Town and Coonoor Taluk, pursuant to the Letter No.18, Reg-B.A.No.83/2016/F1, BL No.71/2016/F1, dated 03.09.2020 pending disposal of the Appeal filed by the petitioner under Section 80A of the Town and Country Planning Act, 1971 dated 17.09.2020 on the file of the first respondent.

For Petitioners ... Mr.M.Rajasekar
(in both W.Ps.)
For Respondents ... Mr.R.Vijayakumar,A.G.P.
(in both W.Ps.) for R1
Mr.P.Srinivas for R2

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

When the matter is taken up for hearing, Mr.P.Srinivas, learned counsel appearing for second respondent submitted that the notice dated 03.09.2020 is only an intimation to the petitioner to produce the relevant records and satisfy the second respondent on the compliance qua the approved plan. Only on such failure, an order under Section 57 read with Section 85 of the Town and Country Planning Act, 1971 will be followed, followed by a consequential action.

2. In such view of the matter, the petitioners are given two more weeks from the date of receipt of a copy of this order to reply to the impugned notice dated 03.09.2020. Thereafter, appropriate final orders will have to be passed by the second respondent within a further period of two weeks. Needless to state that till such time status quo as on today shall be maintained.

3. The writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

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

2.The Member Secretary/Commissioner,
Coonoor Municipality,
Coonoor Local Planning Authority,
Coonoor-643 102

3.The Executive Engineer,
Electricity Department,
Coonoor-643 102.

+1cc to Mr.Rajasekhar, Advocate, sr no.32337

W.P.Nos.13719 & 13723 of 2020

EV(CO)
RMP(06/11/2020)



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