



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P. (MD) No.636 of 2020

R.Ezhilvathani

... Petitioner

-vs-

- 1.State of Tamil Nadu
rep.by its Principal Secretary
to Government
Secretariat, Housing and
Urban Development Department
Chennai-600 009
- 2.The Commissioner
Town and Country Planning
Opp.to LIC
Chengalvarayan Building 4th Floor
No.807, Anna Salai
Chennai-600 002
- 3.The Regional Deputy Director
Town and Country Planning
Madurai Region
No.4, Hakkeem Ajmalkhan Road
Chinna Chokkikulam
Madurai-2
- 4.The Member Secretary /
Municipal Commissioner
Kodaikanal Local Planning Authority
Kodaikanal Municipality
Kodaikanal
Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 1st respondent to consider the petitioner's Appeal filed u/s. 80-A of Tamil Nadu Town and Country Planning Act, 1971 dated 16.12.2019, within a time frame fixed by this Court.



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For Petitioner : Ms.P.Kalaiyarasi Bharathi

For Respondents: Mr.K.Chellapandian

Additional Advocate General

assisted by Mr.V.R.Shanmuganathan

Special Government Pleader for R1 to R3

Mr.T.S.Mohamed Mohideen

Standing Counsel for R4

O R D E R

[Order of the Court was made by M.DURAI SWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the first respondent to consider her Appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, dated 16.12.2019, within a time frame fixed by this Court.

2. It is the case of the petitioner that though she has filed the appeal on 16.12.2019, before the first respondent, it has not been disposed of till date.

3. Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice for the respondents 1 to 3 and Mr.T.S.Mohamed Mohideen, learned Standing Counsel, takes notice for the fourth respondent.

4. The learned Standing Counsel appearing for the fourth respondent submitted that approval has been given to the petitioner only in respect of constructing a residential building.

5. In view of the limited prayer sought for by the petitioner, without expressing any opinion in respect of the merits of the case, we direct the first respondent to dispose of the appeal filed by the petitioner on 16.12.2019, on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order.

6. With these observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To:

- 1.The Principal Secretary to Government,
Secretariat, Housing and
Urban Development Department,
State of Tamil Nadu,
Chennai-600 009.
- 2.The Commissioner,
Town and Country Planning,
Opp.to LIC,
Chengalvarayan Building 4th Floor,
No.807, Anna Salai,
Chennai-600 002.
- 3.The Regional Deputy Director,
Town and Country Planning Madurai Region,
No.4, Hakkeem Ajmalkhan Road,
Chinna Chokkikulam, Madurai-2.
- 4.The Member Secretary /
Municipal Commissioner
Kodaikanal Local Planning Authority
Kodaikanal Municipality
Kodaikanal
Dindigul District

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-1375[F] dated 10/01/2020)

+1 CC to M/s.P.KALAIYARASIBHARATHI, Advocate (SR-1511[F] dated 10/01/2020)

W.P. (MD) No.636 of 2020

srk(CO)

TR(13.01.2020) 3P 7C