



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.1578 of 2020
and W.M.P(MD)No.1285 of 2020

Prem Nazeer

... Petitioner

-vs-

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.

2.The Member Secretary,
Local Planning Authority,
Nagercoil, Kanyakumari District.

3.The Commissioner,
Nagercoil Corporation cum
Nagercoil Town and Country Planning Authority,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the first respondent to entertain the revision along with stay application dated 10.01.2020 and consequently, direct the third respondent not to take coercive steps, like lock and seal, against the property in Survey Nos.82 to 88(pt), Door No.146 (Ground Floor and 1st Floor), Block No.5, Ward No.N, Chettikulam Junction, Nagercoil, till the disposal of the revision preferred by the petitioner with the first respondent.

For Petitioner: Mr.M.Ashok Padmaraj

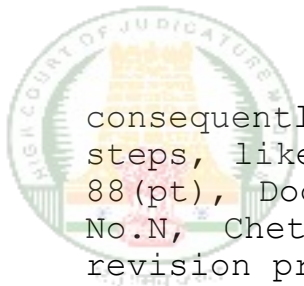
For RR 1 & 2 : Mr.VR.Shanmuganathan,
Special Government Pleader.

For R - 3 : Mr.P.Aathimoola Pandian

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 entertain the revision along with stay application dated 10.01.2020 and



consequently, direct the third respondent not to take coercive steps, like lock and seal, against the property in Survey Nos.82 to 88(pt), Door No.146 (Ground Floor and 1st Floor), Block No.5, Ward No.N, Chettikulam Junction, Nagercoil, till the disposal of the revision preferred by the petitioner with the first respondent.

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2. The learned counsel appearing for the petitioner submitted that though the petitioner has prayed for the relief as stated above, it would be suffice to direct the first respondent to entertain the revision petition along with stay petition, dated 10.01.2020 and to dispose of the same, within a time frame.

3. Admittedly, the petitioner is not the owner of the subject property.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent submitted that subject to the maintainability of the revision petition, the first respondent may be directed to dispose of the revision petition.

5. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the learned counsel for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the first respondent to entertain the revision petition filed by the petitioner, under Section 80-A of the Town and Country Planning Act, 1971, subject to the maintainability of the same and in the case of the first respondent coming to the conclusion that the revision petition is maintainable, in such case, to dispose of the same, within a period of four months from the date of receipt of a copy of this order.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

ps



To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
- 2.The Member Secretary,
Local Planning Authority,
Nagercoil, Kanyakumari District.
- 3.The Commissioner,
Nagercoil Corporation cum
Nagercoil Town and Country Planning Authority,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.M.ASHOK PADMARAJ, Advocate (SR-3254[F] dated 27/01/2020)

+1 CC to M/s.SPL.GP (SR-3374[F] dated 28/01/2020)

W.P (MD) No.1578 of 2020
27.01.2020

JMN(06.02.2020) 3P : 6C