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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.01.2020
CORAM:
THE HONOURABLE MR.JUSTICE M.DURAISWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN
W.P.(MD) No.1486 of 2020
and
W.M.P.(MD) No.1189 of 2020

Sarabu Nisha ... 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 from taking coercive steps, like lock and seal, against the property in Survey Nos.82 to 88(pt), Door Nos.97 to 100, 101B, 101C and 147 to 150, 150, 159B (Ground Floor + two floors), Block No.5, Ward No.N, Beach Road, Chettikulam Junction, Nagercoil, Kanyakumari District, till the disposal of the revision preferred by the petitioner with the first respondent.

For Petitioner : Mr.M.Ashok Padmaraj

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader for R1 & R2
Mr.P.Adhimoola Pandian for R3

O R D E R

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

The petitioner has filed the above writ petition to issue a writ of mandamus directing the first respondent to entertain the

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revision petition along with stay application dated 10.01.2020 and consequently, to restrain the third respondent from taking coercive steps, like lock and seal, against the property in Survey Nos.82 to 88(pt), Door Nos.97 to 100, 101B, 101C and 147 to 150, 150, 159B (Ground Floor + Two Floors), Block No.5, Ward No.N, Beach Road, Chettikulam Junction, Nagercoil, Kanyakumari District, till the disposal of the revision petition preferred by her with the first respondent.

2. The learned counsel 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 Additional 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 ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

+1 CC to SPL.GP (SR-3149[F] dated 27/01/2020)

+1 CC to Mr.M.ASHOK PADMARAJ, Advocate (SR-3418[F] dated 28/01/2020)

W.P.(MD) No.1486 of 2020
and
W.M.P.(MD) No.1189 of 2020
24.01.2020

VB(06.02.2020) 3P 5C

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