



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.14617 of 2021
in
WMP.No.19444 of 2021

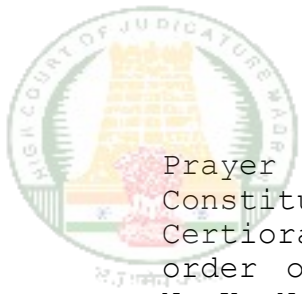
M.Ponnusamy

...Petitioner

Vs.

1. The Commissioner,
The Coimbatore City Municipal Corporation,
Big Bazaar, Street,
Coimbatore -641 001.
2. The Assistant Commissioner,
North Zone,
The Coimbatore City Municipal Corporation,
Big Bazaar, Street,
Coimbatore -641 001.
3. The Executive Engineer (Planning),
Town Planning,
City Municipal Corporation,
Coimbatore - 641 001.
4. The Assistant Executive Engineer (Planning),
Town Planning,
City Municipal Corporation,
Coimbatore - 641 001.
5. Saraswathi
6. Parameswari
(R5 and R6 impleaded vide
order dated 24.11.2021 made in
WMP No.22193 of 2021)
7. The Secretary to Government,
Tamil Nadu Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.
(R7 impleaded vide order dated 06.12.2021 made
in WMP No.27422 of 2021)

...Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the record in respect of the impugned order on the file of the first respondent passed by him vide Na.Ka.No.3251/2021/H.1(va) dated 30.06.2021 ordering Lock and Seal to the building said to have been constructed in S.F.No.82/1A2 of Chinnavedampatty village and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.K.Mahesh
Standing Counsel (for R1 to R4)
Mr.A.Thiyagarajan (for R5 & R6)

Mr.M.Alagu Goutham
Govt. Advocate (for R7)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The lock and seal notice issued by the first respondent under Section 56-2(A) of the Tamil Nadu Town and Country Planning Act and under Section 296(1)(2) & (3) of Coimbatore City Municipal Corporation Act is challenged in this writ petition.

2.We have heard Mr.M.Guruprasad, learned counsel for the petitioner, Mr.K.Mahesh, learned Standing Counsel appearing for the respondents 1 to 4, Mr.M.Alagu Goutham, learned Government Advocate appearing for the 7th respondent and Mr.A.Thiyagarajan, learned counsel appearing for the respondents 5 and 6.

3.It is the submission of the learned counsel appearing for the petitioner that the petitioner has preferred an appeal challenging the impugned order passed by the first respondent dated 30.06.2021 under Section 80-A of the Tamil Nadu Town and Country Planning Act before the 7th respondent. He further added that it would suffice, if a direction is issued to the 7th respondent to dispose of the appeal preferred by the petitioner within a reasonable time.

4.Mr.M.Alagu Goutham, learned Government Advocate appearing for the 7th respondent would state that the appeal filed by the petitioner is pending consideration before the 7th respondent and he is ready to pass orders in accordance with law.

5.Considering the facts and circumstances of the case and the submission of the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the



matter, directs the 7th respondent to pass orders on the appeal preferred by the petitioner under Section 80-A of the Act, dated 30.06.2021, on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner. Till then, the respondents shall not take any coercive action.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Commissioner,
The Coimbatore City Municipal Corporation,
Big Bazaar, Street, Coimbatore - 641 001.
2. The Assistant Commissioner,
North Zone,
The Coimbatore City Municipal Corporation,
Big Bazaar, Street, Coimbatore - 641 001.
3. The Executive Engineer (Planning),
Town Planning, City Municipal Corporation,
Coimbatore - 641 001.
4. The Assistant Executive Engineer (Planning),
Town Planning, City Municipal Corporation,
Coimbatore - 641 001.
5. The Secretary to Government,
Tamil Nadu Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

+1cc to M/s.M.Guruprasad, Advocate, S.R.No.68403
+1cc to M/s.K.Magesh, Advocate, S.R.No.67811
+1cc to M/s.A.Thiyagarajan, Advocate, S.R.No.67807
+1cc to the Government Pleader, S.R.No.68689

W.P.No.14617 of 2021

KSM(CO)
RGA(10/02/2022)