



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.09.2021

CORAM:

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

W.P. No.19202 of 2021

M.Arunachalamoorthy

...Petitioner

Versus

The Secretary to Government,  
Housing and Urban Development,  
Secretariat, Chennai 09.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to dispose of the appeal no.4983/UD4(1) - 2017, dated 17.06.2017 on the file of the respondent expeditiously.

For petitioner : Mr.B.Nedunchezhiyan

For respondent : Mr.T.N.C.Kaushik

ORDER

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

The Writ Petition is heard through video conferencing.

2. The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondent to dispose of the appeal preferred by the petitioner in No.4983/UD4 (1)-2017, dated 17.06.2017.

3. The petitioner would state that he is the owner of the property situated in the approved lay out in SF.No.1757/2B. He got planning permission from the Commissioner of Coimbatore Municipality on 29.10.2015 and constructed a building in accordance with the plan. However, the Commissioner of Coimbatore Municipality issued notice under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act on 25.11.2016.



4. It is the case of the petitioner that before issuing the said notice, no opportunity was given to him, hence, he challenged the notice before the first respondent by filing an appeal under Section 80-A of the Act. Though the appeal was preferred in the year 2017, till date it has not been disposed of.

5. The learned counsel appearing for the petitioner Mr.B.Nedunchezhiyan, would state that it would suffice if a suitable direction is issued to the respondent to pass orders on the appeal preferred by the petitioner in a time frame.

6. The learned Government Counsel appearing for the respondent Mr.T.N.C.Kaushik, on instructions would state that the appeal preferred by the petitioner is still pending with the respondent and he is ready to take action in accordance with law.

7. In the light of the above facts and also the limited prayer sought for in the Writ Petition, this Court, without expressing any opinion on the merits of the matter, directs the respondent to consider the appeal of the petitioner and pass orders purely on merits and in accordance with law within a period of eight weeks, after affording an opportunity of personal hearing to the petitioner.

8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pvs

To

The Secretary to Government,  
Housing and Urban Development,  
Secretariat, Chennai 09.

+1 cc Mr.B.Nedunchezhiyan, Advocate, SR.No.49183  
+1cc to the Government Pleader, Sr.49802

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NSK 11/10/2021