



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.2464 of 2021

and WMP (MD) No.2057/2021

(Through Video Conferencing)

Dr.S.A.Joy Raja

: Petitioner

Vs.

1.The State of Tamil Nadu rep. by its Secretary
Housing and Urban Development Department
Fort St. George, Chennai-600 009.

2.The District Collector
Nagercoil, Kanyakumari District

3.The Commissioner
Nagercoil Municipal Corporation,
Nagercoil
Kanyakumari District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to forbear the 2nd and 3rd respondents in any manner initiating any coercive action of locking, sealing and demolishing of the petitioner's premises comprised in T.S.No.N5/64 Part 65,66,67,68 and 69 Part, situated at Rajamangalam Road, Chettikulam Junction, Nagercoil, Kanyakumari District pending final determination of the petitioner's appeal petition filed under Section 80(A) of the Tamil Nadu Town and Country Planning Act along with Stay petition filed under Sec. 80(A) (3) of the Act dated 22.01.2021 which was acknowledged by the 1st respondent on 25.01.2021 pending with the 1st respondent.

For Petitioner : Mr.L.Chandrakumar

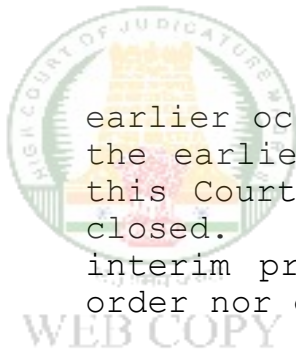
For Respondents : Mrs.J.Padmavathi Devi for R1 & R2
Special Government pleader
Mr.P.Aathimoola Pandian for R3

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed seeking a Writ of Mandamus forbearing the respondents 2 and 3 from initiating any coercive action pending appeal filed before the respondent No.1.

2. This case has got a checkered history. This Court, on
<https://hcservices.ecourts.gov.in/hcservices/>



earlier occasion, granted interim relief only on the premise that in the earlier round of litigation, interim order has been granted by this Court. In such view of the matter, the contempt petition was closed. Now, the learned counsel for the petitioner seeks an interim protection, as the respondent No.1 is neither passing any order nor disposing of the interim application filed.

3. There are two ways open to us, namely, granting interim protection till the disposal of the appeal and granting such protection till the disposal of the interlocutory application.

4. The learned counsel for the respondent Corporation, namely, respondent No.3 submitted that the issue is pending for quite long and violation is huge. Therefore, it would be appropriate that the first respondent is directed to dispose of the appeal within a reasonable time.

5. Considering the above and taking note of the earlier order passed, we direct the authorities to maintain an order of status quo till the disposal of the appeal. This order we passed for the sole reason that earlier interim order was granted in the writ petition.

6. In such view of the matter, we direct the respondent No.1 to dispose of the pending appeal filed by the petitioner dated 22.01.2021 within eight weeks from the date of receipt of a copy of this order, of course, after hearing the respondent No.3. Till such time, status quo as of today shall be maintained. We are also constrained to note that there is no lock and seal as of now and even on that ground, there is a difference. The respondent No.1 shall consider the appeal on its own merits without influenced by any of our observations made in the present writ petition or the earlier one.

7. The writ petition stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

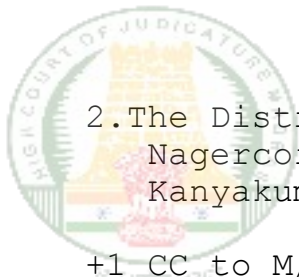
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/ /2021

Sub Assistant Registrar(CS)

RR
To

1.The Secretary
Housing and Urban Development Department
Fort St. George, Chennai.



2.The District Collector
Nagercoil
Kanyakumari District

+1 CC to M/s.L.CHANDRA KUMAR, Advocate (SR-4379[F] dated
10/02/2021)

+1 CC to M/s.SPL GP (SR-4661[F] dated 12/02/2021)

Order made in
W.P. (MD)No.2464 of 2021
Dated: 10.02.2021

(NSM) CO
AP(23/02/2021) 3P 5C