



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD)No.6725 of 2021

and

W.M.P. (MD)No.5179 of 2021

T.Saraswathi

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Principal Secretary,
Department of Municipal Administration and Water Supply,
Fort St.George,
Chennai - 600 009.

2.The Trichy Corporation,
Rep. by its Commissioner,
58, Bharathidasan Salai,
Opp Campion School,
Cantonment,
Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the 2nd respondent from initiating any coercive action until the disposal of the application preferred by the petitioner under Section 80-A of the Town and Country Planning Act, 1971, on the file of the 1st respondent in respect of the petitioner's building in T.S.No.20/2H1, Thillai Nagar, Sasthri Road, Trichy District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader for R.1

Mr.Saji Bino,
Standing Counsel for R.2

ORDER

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

Against the stop work notice issued, the petitioner invoked Section 80-A of the Town and Country Planning Act, 1971, before the first respondent. In the meantime, apprehending further action at the hands of the second respondent, the present writ petition is filed.



2. The learned Counsel appearing for the petitioner submitted that no further construction would be made, pending the disposal of the appeal and there is a threat of demolition.

3. The learned Standing Counsel appearing for the second respondent submitted that appropriate orders can be obtained from the first respondent itself.

4. Though the contention of the second respondent is correct, we are not dealing with a case of lock and seal, where a positive act will have to be done asking the respondents to remove it. On the contrary, the case on hand involves a stop work notice. Now the learned Counsel appearing for the petitioner also states that he will not put up any further construction.

5. In such view of the matter, the second respondent is directed not to take any coercive action towards demolition, till the disposal of the appeal filed under Section 80-A of the Town and Country Planning Act, 1971. Taking note of the pendency of the aforesaid appeal, though recently filed on 17.03.2021, we direct the first respondent to dispose of the same, in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6. We make it clear that the petitioner shall not make any further construction pending the disposal of the appeal and if any such construction is made, it is open to the second respondent to demolish the said construction and put the building under lock and seal.

7. With the above observations and directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk
To

1.The Principal Secretary to Government,
State of Tamil Nadu,

<https://hcservices.ecourts.gov.in/hcservices/>



Department of Municipal Administration and Water Supply,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Trichy Corporation,
58, Bharathidasan Salai,
Opp Campion School,
Cantonment,
Trichy District.

+1 CC to M/s.SPL GP (SR-14395[F] dated 30/03/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-14644[F] dated
31/03/2021)

W.P. (MD)No.6725 of 2021

GS (22.04.2021) 3P 5C