



WEB COPY

W.P.(MD)No.6084 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.M.SUNDRESH

W.P.(MD) No.6084 of 2020

and

WMP(MD).Nos.5269 to 5271 of 2020

G.Jayaseelan

.. Petitioner

Vs

1. State of Tamilnadu,
Rep. by its Secretary,
Department of Town and Country Planning,
St.George Fort, Chennai.
 2. The Director,
Department of Town and Country Planning,
Anna Salai, Chennai.
 3. The Nagercoil Local Planning Authority,
Rep. by its Member Secretary (District Collector),
Collectorate, Nagercoil,
Kanyakumari District.
 4. The Nagercoil Corporation,
Rep. through its Commissioner,
Nagercoil, Kanyakumari District.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 3rd respondent in the production of the impugned order of the 3rd respondent in Na.Ka.No.1241/2019 Na.Vu.Thi.Ku.dated 11.03.2020, under Section 56 (2A) and 57(4) of Town and Country Planning Act and quash the same and consequently grant one year for vacating the premises occupied by the petitioner in door No.36/11-214/11, Vadasery Bus Stand, Nagercoil-1, Kanyakumari District.

For Petitioner	: Mr.M.Jothiramalingam
For respondents	: Mr.R.Murugaraj, Government Advocate for R1 to R3 Mr.P.Authimoola Pandian Standing Counsel for R4



ORDER

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

This writ petition has been filed by the tenant challenging the impugned order passed invoking Sections 56(2A) and 57(4) of Town and Country Planning Act, 1990, which is admittedly appealable in nature. In fact, on a writ petition filed earlier by the owner of the premises in question, we permitted him to file an appeal. In such view of the matter, this writ petition filed by the tenant challenging the aforesaid proceedings is not maintainable mainly on two grounds, namely, he being the tenant and the order impugned is appellable in nature. However, considering the fact that the materials belonging to the petitioner are still within a portion of the building under his occupation before the same was put into lock and seal, we direct the respondent/Municipality to permit the petitioner to remove the same within a period of four weeks from the date of receipt of a copy of this order, after issuing due notice.

2. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj/pkn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. Secretary,
State of Tamilnadu,
Department of Town and Country Planning,
St.George Fort, Chennai.
2. The Director,
Department of Town and Country Planning,
Anna Salai, Chennai.



3. Member Secretary (District Collector),
The Nagercoil Local Planning Authority,
Collectorate, Nagercoil,
Kanyakumari District.

4. The Commissioner,
The Nagercoil Corporation,
Nagercoil, Kanyakumari District.

+2 CC to M/s.M.JOTHI RAMALINGAM, Advocate (SR-1061[F] dated
19/01/2021)

+1 CC to M/s.SPL GP (SR-1115[F] dated 19/01/2021)

W.P. (MD) No.6084 of 2020
18.01.2021

DKS (CO)
KB(29.01.2021) 3P 8C