



WEB COPY

W.P(MD)NO.17417 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P (MD)NO.17417 of 2021

and

W.M.P (MD)No.14292 of 2021

P.S.T.Nagarajan

... Petitioner

vs .

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Commissioner,
Thanjavur Corporation,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to dispose of the appeal filed by the petitioner on 22.09.2021 as against the order of the third respondent passed in Na.Ka.No.9583/2021MCF3, dated 13.08.2021 within the time stipulated by this Court.

For Petitioner	:	Mr.V.K.Vijayaragavan
For Respondents	:	Mr.P.Thilak Kumar
1 and 2	:	Government Pleader
For Respondent-3	:	Mr.N.Dilip Kumar
	:	Standing Counsel

O R D E R

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the first respondent to dispose of the Appeal filed under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971, dated 22.09.2021, as against the order passed by the third respondent, dated 13.08.2021, within a time frame.



2.Mr.V.K.Vijayaragavan, learned Counsel appearing for the petitioner, submitted that though the petitioner has initially filed an appeal before the Secretary to the Government, Housing and Urban Development Department, Secretariat, Chennai, the third respondent has advised the petitioner to file the appeal before the first respondent, namely, the Secretary to the Government, Municipal Administration and Water Supply Department, Secretariat, Chennai. Further, the learned Counsel submitted that the petitioner had filed the appeal before the first respondent on 22.09.2021.

3.However, Mr.N.Dilip Kumar, learned Standing Counsel appearing for the third respondent, submitted that the third respondent has not advised the petitioner to file the appeal before the first respondent.

4.Since the first respondent is not the Appellate Authority for filing the appeal challenging the order of the third respondent, the petitioner is directed to get return of the appeal papers from the first respondent and re-submit the same before the Secretary to the Government, Housing and Urban Development Department, Secretariat, Chennai, within three days from the date of receipt of a copy of this order. The first respondent is directed to return the appeal papers to the petitioner, enabling him to submit the appeal before the Secretary to the Government, Housing and Urban Development Department, Secretariat, Chennai. On receipt of the appeal papers, the Secretary to the Government, Housing and Urban Development Department, Secretariat, Chennai is directed to consider the appeal and dispose of the same, as expeditiously as possible. It is open to the petitioner to file a stay petition before the Appellate Authority.

5.With these observations, the Writ Petition stands disposed of. No Costs.Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Commissioner,
Thanjavur Corporation,
Thanjavur District.

+1 CC to M/s.V.K.VIJAYARAGAVAN, Advocate (SR-30270[F] dated 24/09/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-30409[F] dated 27/09/2021)

+1 CC to M/s.SPL.GP (SR-30321[F] dated 27/09/2021)

ORDER MADE IN
W.P (MD) NO.17417 of 2021
and
W.M.P (MD) No.14292 of 2021
24.09.2021

RS (04.10.2021) 3P 7C