



WEB COPY

W.P(MD)NO.19211 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P (MD)NO.19211 OF 2021

and

W.M.P (MD)No.15933 of 2021

Rani Chinnasamy

... Petitioner

.vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Tiruchirappalli Municipal Corporation,
Tiruchirappalli District.

3.The Assistant Commissioner,
Ko.Abishekapuram Zone,
Tiruchirappalli Municipal Corporation,
Puthur,
Tiruchirappalli District.

4.The Member Secretary,
Trichy Local Planning Authority,
Kajamalai Main Road,
Kajamalai,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice issued by the third respondent in Na.Ka.No.F1/7247/2019, (Ko.Abi), dated 21.10.2021 and to quash the same and further to forbear the respondents 2 to 4 from taking any steps to lock and seal of the building at MC Arcade, Town Survey No.27, Block No.21, No.9, Karur Bypass Road, Annamalai Nagar, Trichy - 620 018, till the final determination of the appeal filed dated 22.10.2021 under Section 80-A as well as the Regularisation proceedings under Section 79 and 113-C of the Tamil Nadu Town and Country Planning Act, 1971, pending on the file of the first respondent.



For Petitioner : Mr.M.P.Senthil
For Respondents : Mr.P.Thilakkumar
1 and 4 Govt.Pleader
For Respondents : Mr.R.Baskaran
2 and 3 Standing Counsel

WEB COPY

O R D E R

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

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice issued by the third respondent, dated 21.10.2021 and to quash the same and further to forbear the respondents 2 to 4 from taking any steps to lock and seal of the building at MC Arcade, Town Survey No.27, Block No.21, No.9, Karur Bypass Road, Annamalai Nagar, Trichy - 620 018, till the final determination of the appeal filed dated 22.10.2021 under Section 80-A as well as the Regularisation proceedings under Section 79 and 113-C of the Tamil Nadu Town and Country Planning Act, 1971, pending on the file of the first respondent.

2.When the matter is taken up for hearing today, Mr.M.P.Senthil, learned counsel appearing for the Petitioner submitted that the Writ Petition may be closed with liberty to the Petitioner to challenge the impugned order, dated 21.10.2021 issued under Section 56-2(A) and 56 of the Town and Country Planning Act, 1971 by way of an appeal under Section 80-A of the Act.

3.Mr.R.Baskaran, learned Standing Counsel appearing for the respondents 2 and 3 submitted that such liberty may be given to the Petitioner.

4.In view of the submission made by the learned counsel appearing on either side, while closing the Writ Petition, we give liberty to the Petitioner to challenge the impugned order, dated 21.10.2021 by way of appeal under Section 80-A of the Town and County Planning Act, 1971 before the appellate authority in accordance with law within a period of ten days from the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain status-quo. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

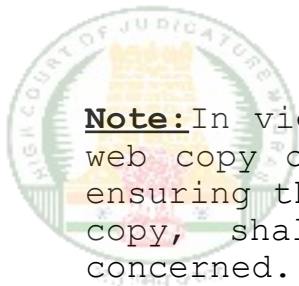
// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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



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.

WEB COPY

To

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Tiruchirappalli Municipal Corporation,
Tiruchirappalli District.

3.The Assistant Commissioner,
Ko.Abishekapuram Zone,
Tiruchirappalli Municipal Corporation,
Puthur,
Tiruchirappalli District.

4.The Member Secretary,
Trichy Local Planning Authority,
Kajamalai Main Road,
Kajamalai,
Tiruchirappalli District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-33080[F] dated 28/10/2021)

ORDER MADE IN
W.P (MD) NO.19211 OF 2021
and
W.M.P (MD) No.15933 of 2021
28.10.2021

PK (CO)

RS (28.10.2021) 3P 6C