

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA
and
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P. Nos.9222, 9767, 10522, 9896, 9901, 9906, 9908, 9909, 9913,
9916, 9925, 9928, 9932, 9933, 9942, 9947, 9950,
9226 and 9308 of 2022

and

W.M.P.Nos.9159, 9487, 9486, 10209, 9625, 9611, 9616, 9622, 9623,
9624, 9628, 9629, 9631, 9632, 9670, 9646, 9648, 9653, 9654,
9667, 9674, 8975, 8978, 9065 and 9067 of 2022

V.N.KATHIRVEL	... PETITIONER in WP No.9222 of 2022
1.S.KAVITHA SHANKAR	
2.M.C.R.S.SHANKAR	... PETITIONERS in WP No.9767 of 2022
M.ANUJA	... PETITIONER in WP No.10522 of 2022
G.NACHIMUTHU	... PETITIONER in WP No.9896 of 2022
SHOBANA MADHAVAN	... PETITIONER in WP No.9901 of 2022
K.KRISHNAMANI	... PETITIONER in WP No.9906 of 2022
B.KRISHNA KUMAR	... PETITIONER in WP No.9908 of 2022
ARAVINDH MUTHUSAMY	... PETITIONER in WP No.9909 of 2022
S.DHANDAPANI	... PETITIONER in WP No.9913 of 2022
ISAAC KOIL RAJAN	... PETITIONER in WP No.9916 of 2022
K.JEYALAKSHMI	... PETITIONER in WP No.9925 of 2022
R.ANGURAJ	... PETITIONER in WP No.9928 of 2022
A.SANTHI	... PETITIONER in WP No.9932 of 2022
G.PARAMASIVAM	... PETITIONER in WP No.9933 of 2022
T.VASANTHA	... PETITIONER in WP No.9942 of 2022
M.JEGATHA	... PETITIONER in WP No.9947 of 2022

P.S.SREEDHAR ... PETITIONER in WP No.9950 of 2022
S.SUDHA ... PETITIONER in WP No.9226 of 2022
1.S.NAGARATHINAM
2.S.MANIKANDA RAJESH
3.M.RAMYA ... PETITIONERS in WP No.9308 of 2022

-vs-

1. The Principal Secretary to Government,
O/o. Housing and Urban Development
Department, Secretariat,
Chennai - 9.
 2. The Director of Town and Country Planning,
No.807, Anna Salai, Chennai - 2.
 3. The Joint Director of Town and Country Planning,
Town and Country Planning Office,
Dr.Nanjappa Salai,
Coimbatore - 641 018.
 4. The Member Secretary/Commissioner,
Pollachi Local Planning Authority,
Pollachi Municipality,
Pollachi, Coimbatore District - 642 001.
- .. Respondents in all WP's

Prayer in W.P.No.9222 of 2022: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Proceedings Letter No.15088/UD5(1)/2021-1, dated 02.03.2022 as the same is issued in contravention of the provisions of Section 79 of the Town and Country Planning Act, 1971 and without providing opportunity to the petitioner to submit further representation insofar as the petitioner's building at Plot No.A1 Part, Ward No.5, T.S.No.27/49, Door No.7/1, Venkatraman Round Road, Mahalingapuram, Pollachi - 642 002 is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioner's building till the respondents review and approve the master plan and detailed development plan in respect of the area covered under the Pollachi Local Planning Authority as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971 to extend the benefit of Building Regularization Scheme, 2017 under Section 113-C of Tamil Nadu Town and Country Planning Act, 1971 to the petitioner's building.

(Prayer amended vide order dated 15.06.2022 in W.M.P.Nos.13499, 13503, 13506, 13507 and 13548 of 2022 in W.P.Nos.9222, 9906, 9916, 9928 and 9226 of 2022)

Prayer in WP No.9767 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No.15088/UD5(1)/2021-1, dated 02.03.2022 as the same is issued in contravention of the provisions of Section 79 of the Town and Country Planning Act, 1971, and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building at Plot No.B-31, T.S.No.2033/2, Door No. 53/53/1, LIG Colony-I, Mahalingapuram, Pollachi, Coimbatore District-642 001 is concerned, quash the same and consequently, restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.10522 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088 / UD5 (1)/2021-1 dated 02.03.2022 as the same is issued in contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building Plot No. 7, Ward No A, Block No. 20 T.S. No. 1052, Krishnasamy Layout, mahalingapuram Pollachi, Coimbatore district is concerned quash the same and consequently, restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9896 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building Plot No.C12, Ward No.5, Block No.24, T.S.No.27/37 and 28/44, Door No.12/1, B Colony, Mahalingapuram, Pollachi, Coimbatore district is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9901 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building at Plot No.B9, Ward No.5, T.S.No.146/1 and 148, Door No. 24/1 and 24/2, LIG Colony, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9906 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building Plot No.A-39 Part, Block No.17, T.S.No. 10/2 and 21, Door No.10, 10/1-2, 10/1-3, 10/1-4, 10/1-5, 10/1-6, Ward No.5, A Colony, Kamaraj Street, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building

Prayer in WP No.9908 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building Plot No.C-13, B-Block, Ward No.5, New T.S.No. 1531, Door No.13, 13/1, 13/2, B Colony, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9909 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings

Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building at Plot No.A-37 Part, Door No.12/1,2,3,4, Block No.17, T.S.No.11, Ward No.6, Kamaraj Street, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9913 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building at No.A19, Ward No.6, Block No.18, T.S.No.1221 to 23/1B, A Colony, Door No.20/1, 20/2, Kamaraj Street, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9916 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building at Plot No.A1 , Door No.16/1, 16/2, Ward No.5, Block No.20, T.S.No.148/17, Ramalingam Street, C colony, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9925 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing

opportunity to the petitioner to submit further representation in so far as the petitioners building at Plot No.A32 Part, Ward No.5, Block No.19, Old Door No.34, New Door No.2, Kamaraj Street, A Colony, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9928 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building at Plot No.A -37, East Part, Door No.12, Ward No.5, T.S.No.11, A-Colony, Kamaraj Road, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9932 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building at Ward No.E, Block No.28, T.S.No.37 South Side Part and 38 North Side Part, Door No.133, Kumaran Street (Palladam Road), Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9933 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building Plot No.C93, Door No.13, Ward No.6, T.S.No.1425, Tagore Street, Mahalingapuram,

Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9942 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building Plot No.A32, Ward No.5, T.S.No.22, Kamaraj Street, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9947 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building Plot No.A32 Part, Block No.19, Old Door No.34, New Door No.2, New T.S.No. 1303, New Ward No.E, A Colony, Kamaraj Street, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9950 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building Plot No.C-23, Door No.23, 23/1, 23/2, Ward No.E, Block No.24, T.S.No.11, B-Colony, Mahalingapuram, Pollachi, Coimbatore District is concerned, quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9226 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building at Plot No. A 46, Block No. 1, Ward No. 5 T.S. No. 22 and 23, Door No. 3/1, 3/2, 3/3, kamarajar Street, Mahalingapuram, Pollachi 642 002 is concerned quash the same and consequently restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

Prayer in WP No.9308 of 2022

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Letter No. 15088/ UD5(1) /2021-1 dated 2.03.2022 as the same is issued in Contravention of the provisions of Section 79 of the Town and Country planning Act, 1971 and without providing opportunity to the petitioner to submit further representation in so far as the petitioners building at Plot No. A42, Ward No. 5 A-Block, T.S. No. 30, B-Colony Mahalingapuram Pollachi, Coimbatore District is concerned, quash the same and consequently, restrain respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the petitioners building.

For Petitioner .. Mr.K.V.Muthu Visakan
in W.P.Nos.9222, 9767, 10522,
9896, 9901, 9906, 9908, 9909,
9913, 9916, 9925, 9928, 9932,
9933, 9942, 9947, 9950 and 9308 of 2022

Ms.R.Meenal
in W.P.Nos.9226 of 2022

For Respondents .. Mr.K.V.Sajeev Kumar,
Spl. Govt. Pleader for R1 to R3
in W.P.Nos.9222, 9767, 10522 and
9896 of 2022

Mr.K.Karthick Jagannathan,
Govt. Advocate for R1 to R3
in W.P.Nos.9925, 9928, 9932,
9933 and 9942 of 2022

Mr.V.Manoharan,
Addl. Govt. Pleader for R1 to R3
in W.P.Nos.9226, 9901, 9906,
9908, 9909, 9913 and 9916 of 2022

Mr.V.P.R.Elamparithi,
Addl. Govt. Pleader for R1 to R3
in W.P.Nos.9947, 9950 and 9308 of 2022

Mr.B.Anand for R4 in all W.Ps

COMMON ORDER

(Order of the Court was made by T.RAJA, J.)

When the matter was taken up for hearing, learned Special Government Pleaders appearing for respondents 1 to 3 brought to our notice the order dated 05.05.2022 passed by a co-ordinate Bench of this Court in W.P.No.12061 of 2022 etc., batch and prays this Court to pass similar orders in these matters also.

2. By order dated 05.05.2022, there was a direction to the appellate authority/revisional authority to dispose of the appeals/revisions filed by the similarly placed petitioners therein except the petitioner in W.P.No.12061 of 2022 on merits and in accordance with law after affording them due opportunity of hearing as expeditiously as possible not later than six weeks from the date of receipt of a copy of the order and till such time, parties were directed to maintain status quo. Relevant portion of the said order reads as under:

6. Such being the present scenario, this Court directs the Appellate Authority / Revisional Authority to dispose of the appeals / revisions filed by the petitioners herein, except the petitioner in WP.No.12061 of 2022, on merits and in accordance with law, after providing them due opportunity of hearing, as expeditiously as possible, in any event, not later than six weeks from the date of receipt of a copy of this order. Till such time, the parties shall maintain status quo as on date. It is needless to state that the respondent authorities are bound to obey the order of the Hon'ble Supreme Court referred to supra by passing necessary orders in the appeal preferred by the petitioner in WP.No.12061 of 2022, within the time stipulated.

7. All these writ petitions stand disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

3. Considering the submissions made by the learned Special Government Pleaders and the above order dated 05.05.2022 in W.P.No.12061 of 2022 etc., batch, this Court directs the Appellate Authority / Revisional Authority to dispose of the appeals / revisions filed by the petitioners herein on merits and in accordance with law, after providing them due opportunity of hearing, as expeditiously as possible, in any event, not later than six weeks from the date of receipt of a copy of this order. Till such time, the parties shall maintain status quo as on date.

4. Learned counsel for the petitioners also requested us to grant liberty to raise all the legal issues before the Appellate Authority/Revisional Authority.

5. All these writ petitions stand disposed of with liberty to the petitioners to raise all the legal issues before the Appellate Authority/Revisional Authority. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Principal Secretary to Government,
O/o. Housing and Urban Development Department,
Secretariat,
Chennai - 9.
2. The Director of Town and Country Planning,
No.807, Anna Salai, Chennai - 2.
3. The Joint Director of Town and Country Planning,
Town and Country Planning Office,
Dr.Nanjappa Salai,
Coimbatore - 641 018.

4. The Member Secretary/Commissioner,
Pollachi Local Planning Authority,
Pollachi Municipality,
Pollachi, Coimbatore District - 642 001.

+16ccs to Mr.K.V.Muthu Visakan, Advocate SR. Nos.35825, 35827,
35829 to 35831, 35797 to 35803, 35819 to 35822
+1cc to M/s.R.Meenal, Advocate SR. No. 35826
+1cc to Government Pleader SR. No. 35945
+1cc to Mr.R.Gunaalan, Advocate SR. No. 42589

W.P. Nos.9222, 9767, 10522, 9896,
9901, 9906, 9908, 9909, 9913, 9916,
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9950, 9226 and 9308 of 2022

JP (CO)
PR (20/07/2022)