



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MRS. JUSTICE S. ANANTHI

W.P. Nos. 11926, 11927, 11928 & 11929 of 2022
and
W.M.P.Nos.11341, 11342, 11343 & 11344 of 2022

1. B. Radhamani
2. B. Nithya .. Petitioners in WP No. 11926/2022

S. Manoranjitham .. Petitioner in W.P.No.11927
of 2022

S.Raajkumar Kalingarayar .. Petitioner in W.P.No.11928 of 2022

Yamuna Devi .. Petitioner in W.P.No.11929 of 2022

Versus

1.The Principal Secretary to Government
O/o Housing and Urban Development Department
Secretariat, Chennai 600 009.

2.The Director of Town and Country Planning
No.807, Anna Salai, Chennai 600 002.

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, .. Respondents in all the
Pollachi, Coimbatore District-642 001 Writ Petitions

Prayer in W.P.No.11926/2022 : Writ Petition filed under Article 226 of the Constitution of India praying to issue 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.33 Ward No.E Block No.15 T.S. No. 1000/Part and T.S.No. 999/Part Sri Venkatesapuram Colony Pollachi Taluk 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 W.P.No.11927/2022 : Writ Petition filed under Article 226 of the Constitution of India praying to issue 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.A-24 T.S. No. 21, Ward No.5, Door No.24, 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 W.P.No.11928/2022 : Writ Petition filed under Article 226 of the Constitution of India praying to issue 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.A-62 T.S.No.22, Ward No.5, No.6, 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 petitioners building.

Prayer in W.P.No.11929/2022 : Writ Petition filed under Article 226 of the Constitution of India praying to issue 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.A38, Door No.38, T.S.No.30/Part and 29/Part, Ward No.5, 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 put up at petitioner's property.



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For Petitioners : Mr. K.V. Muthu Visakan
(All WP's)

For Respondents : Mr. J. Ravindran
Additional Advocate General
Assisted by Mrs. Anitha
Special Government Pleader for RR1 to 3
in all the writ petitions

For Respondent 4: Mr. B. Anand for R4
in all the writ petitions

COMMON ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

As the issue involved is common in all the writ petitions, they are heard together and are disposed of by this common order.

2. The case of the petitioners is that they are owners of residential plots in an approved layout called "Mahalingapuram layout" in Pollachi Town which falls under the Pollachi Local Planning Area. The petitioners have started constructing residential buildings after obtaining building permission and plan approval from the fourth respondent. While so, one Mr.Krishnakumar filed a Public Interest Litigation in WP No. 3995 of 2019 praying to issue a direction to the respondents therein to remove the illegal constructions and encroachments in six streets in Pollachi Town, which are within Mahalingapuram Layout and the said writ petition was disposed of by order dated 09.03.2020. On the basis of the direction issued by this Court in the said writ petition, the fourth respondent issued notices under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act (hereinafter referred to as 'the Act') calling upon the petitioners to submit the revised plan and to get the buildings regularized.

3. The petitioners further averred that their applications for revised plan were rejected by the fourth respondent without providing any opportunity to them and hence, they filed appeals before the second respondent, which were subsequently, forwarded to the first respondent. During the pendency of the same, one Aravindh Muthusamy and others, including the petitioner in WP.No.11928 of 2022 preferred S.L.P.(C) No.011500 of 2021 before the Hon'ble Supreme Court, against the order dated 09.03.2020 made in W.P.No.3995 of 2019 and by order dated 27.07.2021, the SLP was disposed of, directing the Appellate Authority to dispose of the appeals / Special Revision petitions filed by the petitioners within a period of three months and till such time, status quo should be maintained. In these circumstances, the



petitioners made a common representation dated 23.08.2021 to the fourth respondent and requested to take steps to review the master plan and detailed development plan of Palladam Road Extension Scheme at Pollachi Local Planning Area and for conversion of Mahalingapuram Layout streets to mixed residential zone for running commercial establishments and to get the benefit of Tamil Nadu Combined Development and Building Rules, 2019. Based on such representation, a resolution came to be passed on 07.09.2021 by the fourth respondent and the same was forwarded to the second respondent for approval. However, no steps were taken on the same, which compelled some of the building owners to file W.P.No.8564 of 2022 seeking a direction to the authorities to review the master plan and the said writ petition is pending consideration.

4. It is also stated by the petitioners that in the mean while, on 27.10.2021, an enquiry was conducted by the first respondent in the appeals filed by the petitioners, without prior notice, through video conferencing, where only few building owners had participated. Thus, it is stated that sufficient opportunity was not given to the petitioners to express their grievances. However, the first respondent issued a communication dated 02.03.2022 granting one month time as final opportunity to the petitioners to rectify the deviations / violations, in the buildings, failing which appropriate action would be taken by the 4th respondent. Aggrieved over the same, the petitioners have preferred these writ petitions to quash the same and consequently, restrain the respondents 3 and 4 from initiating any coercive action including locking and sealing and demolishing the buildings of the petitioners.

5. Heard Mr.K.V.Muthu Visakan, learned counsel appearing for the petitioners and Mr.J.Ravindran, learned Additional Advocate General, assisted by Mrs.Anitha, learned Special Government Pleader, taking notice on behalf of the respondents 1 to 3 and Mr. B. Anand, learned Standing Counsel appearing for the fourth respondent and also perused the materials available on record.

6. It could be seen that by order dated 27.07.2021 in SLP (C)No.011500 of 2021 arising out of the order dated 09.03.2020 in WP.No.3995 of 2019, the Hon'ble Supreme Court has considered the lock and seal notices issued by the Commissioner, Pollachi Municipality to the petitioners therein, one among whom is the petitioner in WP.No.11928 of 2022, and passed the following order: "...

The main grievance of the petitioners in this Special Leave Petition is that Respondent No.3 - the Commissioner, Pollachi Municipality has issued lock



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and seal notices to them while the appeals filed by some of the petitioners before the Deputy Director, Town and Country Planning, Coimbatore District were still pending. Additionally, the petitioners have preferred Special Revision Petitions against the afore-stated notices before Respondent No.1 - Secretary to Government, Rural Development and Local Administration, Tamil Nadu under Section 80-A, Tamil Nadu Town and Country Planning Act.

In view of the above, without going into the merits of the case, we direct the Appellate Authority / Respondent No.1 to dispose of the Appeals / Special Revision Petitions filed by the petitioners, pending adjudication before them, within a time frame of not more than three months from the date of communication of this order.

Till such time, the status-quo shall be maintained by the parties.

The Special Leave Petition is disposed of in the afore-stated terms.

..."

7. Admittedly, the Appellate Authority / Revision authority have not disposed of the appeals / special revisions filed under Section 80A of the Act by the petitioners, within the outer time limit of three months granted by the Hon'ble Supreme Court and they have simply sent the impugned communication dated 02.03.2022 directing the petitioners to rectify the deviations / violations in the buildings. Apprehending that coercive steps would be taken against them by the fourth respondent under the Tamil Nadu Town and Country Planning Act, 1971, the petitioners approached this court with these writ petitions.

8. 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.11928 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.11928 of 2022, within the time stipulated.



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

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Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

KST/rsh

To

- 1.The Principal Secretary to Government
O/o Housing and Urban Development Department
Secretariat, Chennai 600 009.
- 2.The Director of Town and Country Planning
No.807, Anna Salai, Chennai 600 002.
- 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.

+4cc to Mr.K.V.Muthuvisagan, Advocate, S.R.No.31084
+1cc to the Government Pleader, S.R.No.31195
+1cc to the State Government Pleader, S.R.No.31275

W.P.Nos.11926, 11927
11928 & 11929 of 2022

SRA (CO)
SB(02/06/2022)