



WEB COPY



W.P.No.1720 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.1720 of 2023

&

W.M.P.No.1840 of 2023

V.Sivakumar

...Petitioner

Vs.

1.The Secretary to Government
Town And Country Planning Department
Fort St.George,Secretariat, Chennai.

2.The Commissioner
Kundrathur Municipality
Kundrathur Chennai-600 069

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus forbearing the respondents 1 and 2 from taking any coercive action with respect to the land comprised in Survey No. 284/1 and 284/2 Kundrathur Village pending disposal of the revision under Section 80A of the Tamil Nadu Town and Country Planning Act 1971 in Proc. No. Nil dated 06-12-2022.

For Petitioner : Mr.V.Lakshminarayanan

For Respondent : Mrs.R.Anitha , Spl.G.P for R1

ORDER



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Writ Petition has been filed seeking a direction to the respondents 1 and 2 from taking any coercive action with respect to the land comprised in Survey No. 284/1 and 284/2 Kundrathur Village pending disposal of the revision under Section 80A of the Tamil Nadu Town and Country Planning Act 1971 in Proc. No. Nil dated 06-12-2022.

2. It is the contention of the learned counsel for the petitioner that he has already filed Special Revision U/s.80A of the Town and Country Planning Act, 1971. When the matter stood thus, the respondents are taking action to seal the premises.

3. Learned counsel appearing for the petitioner placed judgment of the Division Bench of this Court in W.P. No.19640 of 2022 dated 01.08.2022. In this regard, wherein the Division Bench has held that the petitioner has also filed a Special Revision against the subsequent, Stop Work notice issued by the 2nd respondent, the 1st respondent is directed the consider the Special Revision filed by the petitioner on merits and in accordance with law, expeditiously. Till such time, the respondents shall maintain status quo as on today.



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4. As the Special Revision is already pending, the same shall be disposed of on merits within a period of three months. The petitioner shall co-operate and appear before the 1st respondent for disposal of the Special Revision within the time frame indicated above. Till such time status quo to be maintained.

5. Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

25.01.2023

kpr
Internet: Yes
Speaking/non-speaking order

To
1. The Secretary to Government
Town And Country Planning Department
Fort St. George, Secretariat, Chennai.

2. The Commissioner
Kundrathur Municipality
Kundrathur Chennai-600 069



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N. SATHISH KUMAR, J.

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