



WEB COPY



W.P.No.12509 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.12509 of 2023

Ramsamy

.. Petitioner

Vs.

1.The Deputy Director of Town and Country Planning
2nd Floor, Dr.Nanjappa Road
Gopalapuram, Coimbatore 641 048

2.The Commissioner
Pollachi Municipality
Pollachi 642 001
Coimbatore District

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the petitioner's representation dated 28.03.2023.

For Petitioner	:	Mr.N.Ponraj
For R1	:	Mr.A.Selvendran Special Government Pleader
For R2	:	Mr.B.Anand Standing Counsel



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ORDER

(Order of the Court was made by V.M.VELUMANI, J.)

The present writ petition is filed for a direction to the respondents to consider the petitioner's representation dated 28.03.2023.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the 1st respondent and Mr.B.Anand, learned Standing Counsel, who takes notice for the 2nd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is a running a lodging house in the name and style of “Nivetha's Inn” at No.4, New Scheme Road, Pollachi Town, Coimbatore District. Earlier, he rented out a portion of the building to run a restaurant. Subsequently, when the tenant vacated, the petitioner is running the restaurant. While so, the petitioner received a notice dated 09.03.2023 from the 2nd respondent alleging certain violation of rules. The petitioner sent separate representation to the respondents on 28.03.2023, informing that he rectified certain violation pointed



out by the 2nd respondent and requested six months time to rectify other violations.

Learned counsel appearing for the petitioner submitted that without considering the representation of the petitioner, the respondents 1 and 2 are taking steps to lock and seal the premises, which action is against the violation of principles of natural justice and hence, the petitioner has come out with the present writ petition.

4. Learned Special Government Pleader appearing for the 1st respondent submitted that notice was issued for lock and seal on 09.03.2023 and the explanation submitted by the petitioner will be considered and orders will be passed and prayed for passing suitable orders.

5. Learned Standing Counsel appearing for the 2nd respondent submitted that already lock and seal notice dated 09.03.2023 was issued to the petitioner. The extent of the building in question is more than 2,000 sq.ft. and hence, the petitioner has to submit his explanation to the 1st respondent and a direction may be issued to the 1st respondent to consider the explanation of the petitioner.

6. Heard the learned counsel appearing for the parties and perused the entire materials on record.



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7. Considering the limited relief sought for by the petitioner and the contention of the learned Special Government Pleader appearing for 1st respondent as well as learned Standing Counsel appearing for 2nd respondent, the 1st respondent is directed to consider the explanation dated 28.03.2023 given by the petitioner to the notice dated 09.03.2023 issued by the 2nd respondent and pass orders, within a period of four weeks from the date of receipt of a copy of this order. Till explanation is considered and orders are passed on the explanation of the petitioner, the respondents are restrained from taking coercive steps against the petitioner. In the meanwhile, it is open to the petitioner to rectify the violations pointed out by the respondents.

8. With the above directions, this writ petition is disposed of. No costs.

(V.M.V.,J.)

(V.L.N.,J.)

25.04.2023

Index : Yes/No

Neutral citation : Yes/No

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