



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Tuesday, the Fourteenth day of February Two Thousand and Twenty
Three

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PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
AND
The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WMP(MD) . No.1696 of 2023
in WP(MD).No. 6084 of 2020

G. Jayaseelan,
S/o.George,
D.No.2, Kunnu Vilai Street,
Vadasery, Nagercoil - 629 001,
Kanyakumari District.

... Petitioner/Petitioner

Vs

- 1 The Secretary,
State of Tamil Nadu
Department of Town and Country Planning,
St.George Fort, Chennai.
- 2 The Director
Department of Town and Country Planning,
Anna Salai, Chennai.
- 3 The Nagercoil Local Planning Authority,
Rep by its Member Secretary(District Collector),
Collectorate, Nagercoil, Kanyakumari District.
- 4 The Nagercoil Corporation,
Rep Through its Commissioner,
Nagercoil, Kanyakumari District.

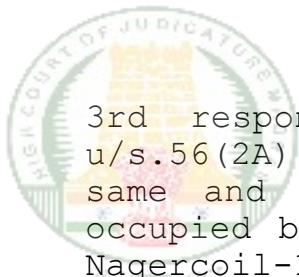
... Respondents/Respondents

Prayer in WMP(MD) . No.1696 of 2023:-

This Writ Miscellaneous Petition filed under Article 226 of Constitution of India, praying this Court to grant an order of extension for the period of 15 days to remove the costly and power equipments from the Shop premises in Door No. 36/11-214/11, Vadasery Bus Stand, Nagercoil-1, Kanyakumari District.

Prayer in WP(MD). 6084/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of Certiorarified Mandamas, calling for the records relating to the impugned order of the respondent in the production of the impugned order of the



3rd respondent in Na.Ka.no.1241/2019 Na.U.Thi.Ku. dt 20 u/s.56(2A) and 57(4) of Town and Country Planning Act and quash the same and consequently grant one year for vacating the premises occupied by the petitioner in D.no.36/11-214/11 Vadasery Bus Stand Nagercoil-1, Kanyakumari District.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Niranjan S.Kumar, Advocate for the Petitioner and of Mr.P.T.Thiraviyam, Government Advocate for the respondents 1 to 3, Mr.P.Authimoolapandiasn, Advocate for the 4th respondent, this Court made the following order:

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed a petition seeking extension for a period of 15 days to remove the power equipments from the shop premises in Door No.36/11-214/11, Vadasery Bus Stand, Nagercoil-1, Kanyakumari District, pursuant to the order passed by this Court in W.P(MD)No.6084 of 2020, dated 18.01.2021.

2.The said Writ Petition in W.P(MD)No.6084 of 2020 has been filed by the petitioner/tenant, who occupied the said building, which was an unauthorized construction and this Court by order, dated 18.01.2021 granted four weeks time to remove the materials belonging to the petitioner.

3.The learned Standing Counsel appearing for the fourth respondent has strongly objected for granting extension of time to the petitioner and submitted that earlier, the petitioner had filed a Miscellaneous Petition before this Court in W.M.P(MD)No.2912 of 2021 in W.P(MD)No.6084 of 2020, seeking for extension of time and this Court by order, dated 01.03.2021, ordered the petition extending the time by one week to the petitioner to remove his materials which are within the building before it was put under lock and seal and further it is made clear that no further extension of time will be granted. Without disclosing the said fact in the affidavit filed in support of the petition, the petitioner has filed the present petition seeking for extension of time for another period of two weeks.

4.The learned standing counsel appearing for the fourth respondent further admitted that the materials are still within the portion of the building. The petitioner has not chosen to remove the same and he has delayed the entire proceedings, by one way or another.

5.Since the petitioner's property is still in the aforesaid building, the learned counsel appearing for the fourth respondent is directed for taking away the belongings of the petitioner, but



with an objection that the petitioner should not make any claim that the materials kept are missing or not available, in the said building.

6.Considering the submissions made on either side, we direct the fourth respondent Corporation to remove the lock and seal for a period of one week ie., from 20.02.2023 to 27.02.2023 and permit the petitioner to take away his materials and further, the fourth respondent Corporation is directed to lock and seal the premises on 27.02.2023 at 05.00 p.m., without any further notice. We make it clear that the petitioner also undertakes that the petitioner will not seek for further extension of time, for the same relief.

7.Recording the aforesaid statements of both the parties, this Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

To

- 1 The Secretary,
State of Tamil Nadu
Department of Town and Country Planning,
St.George Fort, Chennai.
- 2 The Director
Department of Town and Country Planning,
Anna Salai, Chennai.
- 3 The Member Secretary(District Collector),
Nagercoil Local Planning Authority,
Collectorate, Nagercoil, Kanyakumari District.
- 4 The Commissioner,
Nagercoil Corporation,
Nagercoil, Kanyakumari District.

+ 1 cc to Mr. Niranjan S.Kumar, Advocate, Sr. No. 8339, dated 15.02.23

+ 1 cc to the Government Pleader, Sr. No. 8985, dated 16.02.23



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WMP(MD).



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ORDER DATED : 14/02/2023

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ORDER

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WMP(MD). No.1696 of 2023
in WP(MD).No. 6084 of 2020
Giving direction and etc.
as stated within.

MGJ(21.02.2023) 4P 7C