



WEB COPY



W.P.(MD) No.7857 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.7857 of 2023
and
W.M.P.(MD) No.7278 of 2023**

1.P.Shakthivel

2.S.Sumathi

... Petitioners

-VS-

1.The State of Tamil Nadu
rep.by its Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St.George
Chennai

2.The Additional Secretary (Technical)
Housing and Urban Development Department
Secretariat, Fort St.George
Chennai-600 009

3.The Commissioner
Ottanchathiram Municipality
Ottanchathiram
Dindigul District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent to disposed-off the special revision petition filed by the petitioners on 28.03.2023.

For Petitioners : Mr.V.Panneer Selvam

For Respondents : Mr.P.T.Thiraviyam
Government Advocate for R1 & R2

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.T.Thiraviyam, learned Government Advocate, takes notice for the respondents 1 & 2.

2. Since the writ petition is disposed of at the admission stage itself and considering the nature of relief sought for by the petitioners, notice to the third respondent is dispensed with.

3. The petitioners have preferred a special revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity, “the Act”), with the first respondent, challenging the notice for removal of unauthorized development issued by the third respondent. It is stated that the said revision is pending.



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4. The grievance of the petitioners is that the time granted for removal of unauthorized construction, namely, thirty days having expired, the third respondent may proceed at any time, thereby rendering the special revision infructuous.

5. In the light of the above apprehension expressed by the petitioners and the fact that the revisional authority, namely, the Secretary to Government has been vested with the power to pass interim orders pending special revision under Section 80-A of the Act, the writ petition is disposed of with a direction to the respondents 1 & 2 to consider the application filed by the petitioners for interim orders, under Sub-Section (3) of Section 80-A of the Act, within a period of six weeks from the date of receipt of a copy of this order. Till such time, the third respondent shall not take any action pursuant to the notice dated 06.03.2023. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

06.04.2023

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Secretary to Government,
Housing and Urban Development Department,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai.

- 2.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St.George,
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