



W.P.(MD) No.8398 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2023

CORAM:

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

**W.P.(MD) No.8398 of 2023
and
W.M.P(MD)No.7723 of 2023**

K.V.Pugalenthi @ Valavan Pugalenthi

... Petitioner

-VS-

1.The Standing Committee on Town Planning,
Madurai Corporation,
Rep. by its Chairman,
Madurai Corporation Building,
Madurai.

2.The Commissioner,
Madurai Corporation,
Aringar Anna Malaigai,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus directing the first respondent to pass final orders
on the petitioner's statutory appeal, dated 20.03.2023 within the time that



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may be stipulated by this Hon'ble Court and consequently forbear the second respondent or its subordinates from taking any coercive action qua the petitioner's building in S.No.198/3A, Vilankudi Village, Madurai till the disposal of the said statutory appeal under Section 453 of the Madurai City Municipal Corporation Act, 1971.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mrs.S.Devasena, Standing Counsel

ORDER

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

Mrs.S.Devasena, learned standing counsel takes notice for the respondents.

2. The grievance of the petitioner is that enforcement action is sought to be taken even during the pendency of his appeal before the appellate authority, namely, the Standing Committee on Town Planning, Madurai Corporation.



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3. Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner would point out that the notice issued itself is not very clear. Inasmuch as the original planning permission itself was granted only for construction of a "Kalyana Mandapam", the claim that its user for commercial purpose is illegal cannot be correct. However, since the appeal filed by the petitioner is pending, we do not want to express any opinion on the notice issued which is subject matter of the appeal.

4. Mrs.S.Devasena, learned standing counsel appearing for the respondents would submit that the first respondent would dispose of the appeal within a period of one month from the date of receipt of the appeal.

5. Considering the same, while directing the first respondent to dispose of the appeal filed by the petitioner within a period of one month from the date of receipt of the appeal, we also restrain the first and second respondents from taking any precipitative or coercive action by way of sealing of the building till such time the appeal is disposed of.



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6. The writ petition is disposed of with the above direction.

No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]

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NCC : Yes/No

Index : Yes/No

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pm

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