



W.P.(MD) No.12963 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM:

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

**W.P.(MD) No.12963 of 2023
and
W.M.P.(MD) No.10976 of 2023**

M/s.Mangala Hospital
Rep. by its Managing Partner,
Ananda Vijayakumari

... Petitioner

-VS-

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai- 600 009.
2. Tirunelveli Town and Country
Planning Authority,
Rep. by its Member Secretary /joint Director,
Tirunelveli.
3. Tirunelveli Corporation,
Rep. by its Commissioner,
Palayamkottai Zone, Tirunelveli.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 and 3 to forbear them from interfering with the petitioner's hospital building at 5A, Seevalaperi Road, Palayamkottai, Tirunelveli- 627 002 in any manner particularly by way of locking and sealing and or demolition of the same, pending final determination of petitioners Special Revision Petition under Sec. 80(A) of the Town and Country Planning Act dated 21.02.2023 by the 1st Respondent/Government and the application dated 19.11.2021 for regularization under Sec. 113(C) of the said Act by the 2nd respondent.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 and R2
Mr.S.P.Maharajan
Special Government Pleader for R3

ORDER

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

With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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2. The present writ petition has been filed seeking a mandamus to forbear the respondents 2 and 3 from in anyway interfering with the building put up at 5A, Seevalaperi Road, Palayamkottai, Tirunelveli- 627 002, by way of locking and sealing or demolition of the aforesaid building, pending final determination of the Special Revision application dated 20.02.2023.

3. The learned counsel for the petitioner would submit that the petitioner originally obtained planning permission in the year 1993 and has been occupying the building since then. Since there is a violation, the second respondent had initiated enforcement action to bring the building in accordance with the planning permission. Being aggrieved against the same, the petitioner has preferred a special revision under Section 80 of the Town and Country Planning Act.

4. This Court, without going into the merits of the claim made by the petitioner, directs the first respondent to dispose of the special revision filed by the petitioner under Section 80A of the Town and Country Planning Act dated 20.02.2023 within a period of 60 days from the date of receipt of a copy of this



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order. Till such time, the second respondent shall not take any coercive steps against the building in question.

5. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

05.06.2023

NCC : No
Index : No
Internet : Yes
PKN

To:

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai- 600 009.
2. Tirunelveli Town and Country
Planning Authority,
Rep. by its Member Secretary /joint Director,
Tirunelveli.
3. Tirunelveli Corporation,
Rep. by its Commissioner,



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WEB COPY Palayamkottai Zone, Tirunelveli.



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AND
L.VICTORIA GOWRI, J.

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