



W.P.(MD)No.25294 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.25294 of 2022

S.Revathi

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Development Department,
Secretariat,
Chennai – 600 009.

2.The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor, C and E Market Road,
Koyambedu,
Chennai – 600 107.

3.The Deputy Director,
District Town and Country Planning Office,
Door No. 5/678, Nehru Street, N.G.O. Colony,
Virudhunagar District.

4.G.Revathy
(R4 is impleaded vide Court Order dated
23.11.2022 in W.M.P.(MD) No.20230/2022 in
W.P.(MD) No.25294/2022 by RMDJ & JSNPJ)

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the Respondents 2 and 3 from in anyway taking coercive steps like locking and sealing or demolishing any part of the petitioner's premises in S.R.Mahal, Balaji Nagar, Sithuraajapuram, Sivakasi, Virudhunagar District, by considering the petitioner's statutory appeal filed before the 1st Respondent dated 27.10.2022 against the de-occupation notice dated 20.10.2022 in Na.Ka.No.1014/201/Verumaa passed by the 3rd respondent.

For Petitioner : Ms.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 to R3

Mr.S.Palanivelayutham for R4

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The petitioner seeks for a Mandamus, to forbear the second and third Respondents from taking coercive steps for locking and sealing against her Kalyana Mandapam situated at Sithuraajapuram, Sivakasi, Virudhunagar District.

2. The petitioner has preferred a statutory appeal to the Government as against the de-occupation notice dated 20.10.2022 and the same is said to be pending. Under Section 80-A of the Tamil and Country Planning Act, 1971, when



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an application is pending, the relief of interim order can be obtained from the appellate authority itself i.e., as per Section 80(3) of the Act. Mandamus cannot be utilized for the purpose of getting interim order pending disposal of an application before the Government.

3. Therefore, Leaving it open to the petitioner to move for an interim order in the pending application, this Writ Petition is dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)
07.11.2023

NCC : Yes / No
Index : Yes / No

SJ

To

1.The Secretary to Government,
Housing and Development Department,
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Chennai – 600 009.

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Directorate of Town and Country Planning,
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Chennai – 600 107.

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

3.The Deputy Director,
District Town and Country Planning Office,
Door No. 5/678, Nehru Street, N.G.O. Colony,
Virudhunagar District.

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