



W.P(MD)No.28269 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.28269 of 2022
and
WMP(MD)No.22318 of 2022

Thai Sthalam Devangar Jadhi Podumai,
Rep. by its President, Mr.S.Sivakumar,
Ward-23, Pillayar Kovil Street,
Bodinayakkanur,
Theni District.

... Petitioner

vs.

1. The Director of Municipal Administration,
O/o. the Director of Municipal Administration,
Chennai.

2. The Commissioner,
Bodinayakkanur Municipality,
Bodinayakkanur,
Theni District.

3. The Member Secretary,
Local Planning Authority,
Bodinayakkanur,
Theni District.

... Respondents



W.P(MD)No.28269 of 2022

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the respondents from taking any coercive action for the Lock and Seal of the petitioner's premises situated in T.S.No.146, situated in Ward-5, Block-3, Pillayar Kovil Street, Bodinayakkanur, Theni District in pursuance of the notice issued by the 2nd respondent dated 12.12.2022 till the disposal of appeal dated 07.12.2022 preferred by the petitioner under Section 79 of the Tamil Nadu Town and Country Planning Act 1971 before the 1st respondent.

For Petitioner	: Mr.M.Ajmal Khan, Senior Counsel for M/s.Ajmal Associates
For R1 to R3	: Mr.K.Balasubramani Special Government Pleader

ORDER

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

The prayer in this writ petition is for issuance of a Writ of Mandamus, forbearing the respondents from taking any coercive action for the lock and seal of the petitioner's premises situated in T.S.No.146, situated in Ward-5, Block-3, Pillayar Kovil Street, Bodinayakkanur, Theni District in pursuance of the notice issued by



W.P(MD)No.28269 of 2022

the 2nd respondent dated 12.12.2022 till the disposal of appeal dated 07.12.2022 preferred by the petitioner under Section 79 of the Tamil Nadu Town and Country Planning Act 1971 before the 1st respondent.

2. Today, when the writ petition was taken up for hearing, learned counsel for the respondents, on instructions, submitted that the 1st respondent will dispose of the petitioner's appeal dated 07.12.2022 filed under Section 79 of the Tamil Nadu Town and Country Planning Act 1971 within a period of four months from today.

4. Recording the above submission, without expressing any opinion on the merits of the case, we direct the 1st respondent to dispose of the petitioner's appeal dated 07.12.2022 on merits and in accordance with law within a period of three months from today. It is made clear that if the respondents initiated action to lock and seal the petitioner's premises, it is open to the petitioner to challenge the same before the authority concerned as per the rules.



W.P(MD)No.28269 of 2022

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No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]
02.01.2023

Index : Yes / No

Internet : Yes

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To

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W.P(MD)No.28269 of 2022

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
W.P(MD)No.28269 of 2022
DATED : 02.01.2023