



WEB COPY



WP.No.4754/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.4754/2024 & WMP.No.5187/2024

R.K.Sugumar

... Petitioner

Vs.

1.The Secretary

Housing & Urban Development Department
Secretariat, Chennai.

2.The Commissioner

Rasipuram Municipality
Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records of discontinue occupation of the premises notice vide letter No.B.A.No.053/CP/21-22/0000088/F1/B.L. No.053/BL/21/0005 dated 06.02.2024 on the file of the 2nd respondent and quash the same subsequently direct the 2nd respondent acting any coercive action of lock



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and seal and demolishing with regard to petitioner's residence situated at Door No.48, Shanduveeri Street, Ward C Block-12, TS.No.293 Rasipuram Town, Rasipuram Taluk, Namakkal District pending determination of the application dated 09.02.2024 under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.M.Subhash
For Respondents : Mrs.V.Yamuna Devi, Spl.GP

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present writ petition has been filed by the petitioner to quash the impugned order passed by the 2nd respondent dated 06.02.2024 and to direct the 2nd respondent not to take any coercive action pursuant to the issuance of the Locking and Sealing and Demolition Notice in respect of the subject premises, pending consideration of the revision dated 09.02.2024.
- (2)Mrs.V.Yamuna Devi, learned Special Government Pleader accepts notice on behalf of the respondents.
- (3)The petitioner states that he has constructed a building in his own property. It appears that the petitioner's neighbour, one Saravanan,



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submitted a representation to the 2nd respondent alleging that the construction put up by the petitioner is unauthorised. He has also filed a writ petition before this Court in WP.No.34696/2022 and this Court disposed of the writ petition by an order dated 23.12.2022 with a direction to the Director of Municipal Administration to consider the representation of the petitioner therein with regard to the action to be taken against the petitioner herein who is the 5th respondent in the said writ petition for his unauthorised construction.

(4) Pursuant to the above direction, the respondents served a Lock and Seal Notice to the petitioner herein.

(5) It is the case of the petitioner that as against the order dated 19.01.2024, passed under Sections 56 and 57 of the Town and Country Planning Act, 1971, directing the petitioner to lock and seal the premises, the petitioner has preferred a Revision under Section 80-A of the Town and Country Planning Act, 1971 before the 1st respondent. Since the 2nd respondent has now issued a notice for de-occupation by the impugned order dated 06.02.2024, the petitioner has come up with the present writ petition.



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(6) Having regard to the grievance expressed by the petitioner, this Court is inclined to dispose of this writ petition with the following direction:-

(7) The 1st respondent shall consider and pass orders on the revision petition filed by the petitioner under Section 80-A of the Town and Country Planning Act, 1971, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. **Till such time the petitioner's revision petition is disposed of on merits and communicated to the petitioner, the 2nd respondent is directed to maintain status quo.**

(8) The writ petition stands **disposed of** accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]
27.02.2024

AP

Internet : Yes



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To

- 1.The Secretary
Housing & Urban Development Department
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- 2.The Commissioner
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S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

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