



WP.Nos.5215 and 5222 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.Nos.5215 and 5222 of 2024
and WMP.Nos.5730, 5731, 5735 and 5737 of 2024

Dr.K.Jayakumar ... petitioner in WP.No.5215 of 2024

S.Malathi ... petitioner in WP.No.5222 of 2024

Vs.

1. The Principal Secretary,
Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 9.
2. The Commissioner and Member Secretary,
Local Planning Committee,
Pollachi.

...respondents in both the petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus forbearing the second respondent from taking any coercive steps pursuant to the final show



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cause notice bearing Ref.No.Na.Ka.No.212/2021/F-1-9 and
Ref.No.Na.Ka.No.212/2021/F-1-26, dated 10.01.2024 which was received
by me on 24.01.2024 pending disposal of my revision petition dated
12.01.2023 now on the file of the first respondent.

For petitioner : Mr.Aravind Subramanian
(both the writ petitions)

For respondents
(both the writ petitions)
for R1 : Mrs.V.Yamuna Devi, Spl.G.P.
for R2 : Mr.B.Anand

COMMON ORDER

(The Order of the Court was made by S.S.SUNDAR, J)

These Writ Petitions are filed for issuance of a Writ of Mandamus forbearing the second respondent from taking any coercive steps pursuant to the final show cause notice bearing Ref.No.Na.Ka.No.212/2021/F-1-9 and Ref.No.Na.Ka.No.212/2021/F-1-26, dated 10.01.2024 which was received by the petitions on 24.01.2024 pending disposal of their revision petition dated 12.01.2023.



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2. The petitioner in WP.No.5215 of 2024 put up a construction in the year 2003 and notice was issued by the second respondent alleging that the entire construction was unauthorised and violation of building regulations. As against the subsequent order of the second respondent in locking and sealing of the premises, the petitioner has filed revision petition dated 12.02.2024.

3. The petitioner in WP.No.5222 of 2024 purchased a plot in 2003 and put up construction after getting approval. The case of the petitioner is that the second respondent issued show cause notice dated 10.01.2024 on the premises that the petitioner constructed the building in violation of the Building Regulations and the entire construction is unauthorised. Challenging the order, the petitioner has filed a revision petition on 12.02.2024 and the same is pending.

4. Considering the fact that the petitioners' revision petitions are pending, this Court in tune with the earlier decisions of this Court, is inclined to direct the first respondent to dispose of the statutory revision and to maintain status quo till such time revision is disposed of on merits. Accordingly, the Writ Petitions are disposed of on the following lines:



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i) the first respondent is directed to consider and pass appropriate orders on the statutory revisions said to have been filed under Section 80-A of the Town and Country Planning Act within a period of sixteen weeks from the date of receipt of a copy of this order.

ii) Till such time, the revision petitions filed by both the Writ Petitioners are disposed of by the first respondent, the second respondent shall maintain status quo and there shall not be any coercive action pursuant to the show cause notice dated 10.01.2024 issued by the second respondent.

No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R.J.) (N.S.J.)
18.03.2024

Index : Yes / No
Speaking order: Yes/No
pvs

To

1. The Secretary to Government,
The Principal Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai 9.
2. The Commissioner and Member Secretary,
Local Planning Committee, Pollachi.



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and
N.SENTHILKUMAR, J.

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