



WP.No.6197/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.6197/2024 & WMP.No.6860/2024

M.Selvathangam

... Petitioner

Vs.

- 1.The Secretary to Government
O/o.The Housing & Urban Development
Department, Secretariat, Chennai 600 009.
- 2.The Director of Town and Country Planning
No.807, Anna Salai, Chennai 600 002.
- 3.The Joint Director of Town & Country Planning
Town and Country Planning Office
Dr.Nanjappa Salai, Coimbatore 641 018.
- 4.The Commissioner/Member Secretary
Pollachi Local Planning Authority
Pollachi Municipality, Pollachi
Coimbatore District 642 001.

... Respondents



WP.No.6197/2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to dispose of the revision/application filed under Sections 80A and 80A[3] of the Town and Country Planning Act, 1971, by the petitioner in dated 15.02.2024 on giving personal hearing to the petitioner.

For Petitioner	: Mr.K.V.Muthu Visakan
For RR 1 to 3	: Mr.R.Vigneswaran, GA
For R4	; Mr.B.Anand

ORDER

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

- (1)The petitioner is the owner of the property bearing Door No.120, Kovai Main Road, Pollachi, Coimbatore District.
- (2)It is the case of the petitioner that his father had obtained building plan permission and the building put up by the petitioner's father is more than 45 years old. The 4th respondent issued a Notice on 09.01.2024 calling upon the petitioner to appear before the 4th respondent with the approved plan. Following this communication, the petitioner states that he has applied for retention of building under Section 49 read with 56[3] of the Tamil Nadu Town and Country Planning Act, 1971, as against the



WP.No.6197/2024

WEB COPY

communication that was addressed to him earlier. The grievance of the petitioner is that without considering his representation seeking retention as well as the revision petition filed by him, the respondents are trying to demolish the structure. It is in the said circumstances, the petitioner is before this Court by filing the present writ petition seeking issuance of a mandamus mandamus to direct the 1st respondent to dispose of the revision/application filed under Sections 80A and 80A[3] of the Town and Country Planning Act, 1971, filed by the petitioner dated 15.02.2024 after giving an opportunity of personal hearing to the petitioner.

(3)Mr.R.Vigneswaran, learned Government Advocate accepts notice on behalf of respondents 1 to 3 and Mr.B.Anand, learned counsel accepts notice on behalf of the 4th respondent.

(4)Considering the limited scope of prayer that is now sought for by the petitioner before this Court and without expressing anything on the merits of the revision petition or the stand taken by the petitioner in the affidavit filed in support of the writ petition, the 1st respondent is directed to consider the revision petition stated to have been filed by the petitioner under Sections 80A and 80A[3] of the Town and Country Planning Act,



WP.No.6197/2024

WEB COPY

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 and communicate the decision taken, to the petitioner herein.

(5)In the meanwhile, it is open to the respondents to consider the application filed by the petitioner for retention on merits after affording an opportunity of hearing to the petitioner herein. **Till such time, the petitioner's revision petition is decided/disposed of on merits, the respondents shall maintain status quo.**

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

[S.S.S.R., J.] [N.S., J.]
08.03.2024

AP

Internet : Yes



WP.No.6197/2024

To

- 1.The Secretary to Government
O/o.The Housig & Urban Development
Department, Secretariat, Chennai 600 009.
- 2.The Director of Town and Country Planning
No.807, Anna Salai, Chennai 600 002.
- 3.The Joint Director of Town & Country Planning
Town and Country Planning Office
Dr.Nanjappa Salai, Coimbatore 641 018.
- 4.The Commissioner/Member Secretary
Pollachi Local Planning Authority
Pollachi Municipality, Pollachi
Coimbatore District 642 001.



WEB COPY



WP.No.6197/2024

S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

AP

WP.No.6197/2024

08.03.2024