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W.P.No.17582 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.17582 of 2024

and

W.M.P.No.19372 of 2024

K.Ramamoorthy

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai – 600 009.

2.Karamadai Municipality,
Represented by its Municipal Commissioner,
Karamadai,
Coimbatore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to forbear the 2nd respondent from in any way interfering with the building of the petitioner put up at Survey No.237/1, Ward No.11, Kovai Mettupalayam Road, Karamadai Village,



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Mettupalayam Taluk, Coimbatore District, particularly by way of locking and sealing or demolition of the same pending final determination of the Special Revision Petition dated 20.06.2024 filed under Section 80-A and 80-A(3) of the Town and Country Planning Act, 1971, before the 1st respondent.

For Petitioner : Mr.V.Vadivalagia Nambi
For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

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

This petition is filed for issuance of a Writ of Mandamus to forbear the 2nd respondent from in any way interfering with the building of the petitioner put up at Survey No.237/1, Ward No.11, Kovai Mettupalayam Road, Karamadai Village, Mettupalayam Taluk, Coimbatore District, particularly by way of locking and sealing or demolishing the same pending final determination of the Special Revision Petition dated 20.06.2024 filed under Section 80-A and 80-A(3) of the Town and Country Planning Act, 1971, before the 1st respondent.



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2.The petitioner put up a commercial building in Survey No.237/1, Ward No.11, Kovai Mettupalayam Road, Karamadai Village, Mettupalayam Taluk, Coimbatore District. The 2nd respondent, after inspection, issued notice dated 02.04.2024 to discontinue the ongoing construction put up by the petitioner. Following this, the 2nd respondent issued the notice dated 14.06.2024 for demolition. As against the demolition notice, the petitioner has preferred a statutory revision before the 1st respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, on 20.06.2024. The petitioner prays that the respondents may be directed not to take any enforcement action during the pendency of the Special Revision before the 1st respondent.

3.This Court, in similar circumstances, have passed orders for early disposal of the revision by the Government and to maintain status *quo* in the meanwhile. Having regard to the consistent view taken by this Court, we are inclined to issue the following directions :

- i. The 1st respondent is directed to consider and dispose of the statutory revision, stated to have been filed by the petitioner, under Section 80-



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A of the Tamil Nadu Town and Country Planning Act, 1971, and pass appropriate orders on merits and in accordance with law, within a period of 16 weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

- ii. Till such time the petitioner's revision petition is disposed of by the 1st respondent on merits and the order is communicated to the petitioner, the respondents are directed to maintain status *quo*.

4. With these directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
02.07.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To



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Government of Tamil Nadu,
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2.The Municipal Commissioner,
Karamadai Municipality,
Karamadai,
Coimbatore District.

S.S. SUNDAR, J.
and



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N. SENTHILKUMAR, J.

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