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WP.Nos.21726, 21729 and 21732 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.Nos.21726, 21729, 21732 and 21735 of 2024
WMP.Nos.23699, 23701, 23704 and 23708 of 2024

1. R.Praburam	Petitioner-WP.21627 of 2024
2. R.Selvamani	Petitioner-WP.21729 of 2024
3. V.A,Subramaniam	Petitioner-WP.21732 of 2024
4. B.Eshwaramurthi	Petitioner-WP.21735 of 2024

Vs

1. State of Tamil Nadu, by its Secretary to Government
Housing and Urban Development Department, Chennai-9
2. The Commissioner Cum Member Secretary
Local Planning Authority, Pollachi Respondents-All WPs

Prayer:- These Writ Petitions have been filed, under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to forbear the Respondents from in any manner initiating any action or locking and sealing of the premises of the Petitioners at No.61/3, Kovai Road, Ramasamy Plaza, Pollachi, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-36 of the 2nd Respondent and at No.36, New Scheme Road, Pollachi, pursuant to the final notice dated 10.01.2024



in Proc.Na.Ka.No.212/2021/F-1-11 of the 2nd Respondent and at No.30, New Scheme Road, Pollachi, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-8 of the 2nd Respondent, respectively, pending disposal of the appeals filed under Section 80A of the Tamil Nadu Town and Country Planning Act before the 1st Respondent.

For Petitioners : Mr.L.Palani Muthu

For Respondents : Mr.M.R.Gokul Krishnan-AGP-R1
Mr.B.Anand, Standing Counsel-R2

ORDER

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

1. This Writ Petition are filed for issuance of Writ of Mandamus to forbear the Respondents from in any manner initiating any action or locking and sealing of the premises of the Petitioners at No.61/3, Kovai Road, Ramasamy Plaza, Pollachi, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-36 of the 2nd Respondent and at No.36, New Scheme Road, Pollachi, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-11 of the 2nd Respondent and at No.30, New Scheme Road, Pollachi, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-8 of the 2nd Respondent, respectively, pending disposal of the appeals filed under Section 80A of the Tamil Nadu Town and Country Planning Act before



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- the 1st Respondent.
2. This court heard the learned counsel on either side and considered their submissions and also perused the materials placed on record.
 3. As against the final notices, dated 10.01.2024, which are impugned in the present writ petitions, the Petitioners state that statutory revisions under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, are preferred by the Petitioners, before the 1st Respondent. The apprehension of the Petitioners is that the Respondents are likely to take coercive enforcement action pursuant to the said notices against the Petitioners herein, pending disposal of the statutory revisions. Hence, the learned Counsel for the Petitioners prays for an order, directing the Respondents to maintain status quo, till the disposal of the statutory revisions filed by the Petitioners.
 4. This Court, in similar circumstances, have passed orders for early disposal of the revisions by the Government and to maintain status quo in the meanwhile. Having regard to the consistent view taken by this Court, this Court is 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 Petitioners, under



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Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the Petitioners, within a period of sixteen weeks from the date of receipt of a copy of this order, and communicate the same to the Petitioners.

- ii. Till such time the Petitioners' revision petitions are disposed of by the 1st Respondent on merits and the order is communicated to the Petitioners, the Respondents are directed to maintain status *quo*.

5. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R.J.) & (N.S.J.)
01.08.2024

Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

Neutral Citation

Srcm

To

1. State of Tamil Nadu, by its Secretary to Government
Housing and Urban Development Department, Chennai-9
2. The Commissioner Cum Member Secretary
Local Planning Authority, Pollachi



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