



W.P.No.21570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.21570 of 2024

and

W.M.P.No.23536 of 2024

K.Rathinam

... Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Commissioner cum Member Secretary,
Local Planning Authority,
Pollachi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents, their men, servants or agents or anyone claiming under them from in any manner initiating any action or locking and sealing of the premises of the petitioner



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at No.37, New Scheme Road, Pollachi, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-12 of the 2nd respondent herein, pending disposal of the appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent herein.

For Petitioner : Mrs.A.L.Gandhimathi
Senior Counsel
for Mr.L.Palani Muthu

For R1 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

For R2 : Mr.B.Anand
Standing Counsel

ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus forbearing the respondents from taking any coercive steps pursuant to the final notice dated 10.01.2024, pending disposal of petitioner's revision petition on the file of the 1st respondent.



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2.As against the final notice dated 10.01.2024 which is impugned in the present writ petition, the petitioner states that a statutory revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, is preferred by the petitioner, before the 1st respondent. The apprehension of the petitioner is that the respondents are likely to take coercive enforcement action pursuant to the notice dated 10.01.2024 against the petitioner herein, pending disposal of the statutory revision. Hence, the learned Senior Counsel appearing for the petitioner prays for an order directing the respondents to maintain status *quo* till the disposal of the statutory revision filed by the petitioner.

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



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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 petitioner, 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.)
30.07.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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To
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- 1.The Secretary to Government,
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- 2.The Commissioner cum Member Secretary,
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and
N. SENTHILKUMAR, J.

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