



WEB COPY



WP No.22617 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE  
AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**WP No.22617 of 2024**

1.M.Jayamani

... Petitioner

versus

- 1.The Principal Secretary to Government,  
Housing and Urban Development Department,  
Fort St.George, Chennai-600 009.
- 2.The Director,  
Municipal Administration,  
No.75, Urban Administrative Building,  
Santhome High Road, M.R.C. Nagar,  
Raja Annamalaipuram,  
Chennai-600 028.
- 3.The District Collector,  
Coimbatore District,  
Coimbatore.
- 4.The Joint Director of Town and Country Planning,  
Corporation Complex, Dr.Nanjappa Road,  
Coimbatore-18.

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5.The Commissioner,  
(Fully Additional Incharge)  
Pollachi Municipality, Pollachi-01,  
Coimbatore District.

6.J.Krishnakumar

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari, calling for the entire records relating to the impugned order passed by the fifth respondent in his proceedings in Na.Ka.No.4422/2023/G1, dated 04.07.2024 and quash the same.

For the Petitioner

:Mr.A.Arulmozhimaran

For the Respondents

:Mr.T.K.Saravanan

Government Advocate

for respondents 1 to 4

Mr.B.Anand,

Standing Counsel

for fifth respondent

### **ORDER**

(Made by the Hon'ble Acting Chief Justice)

By consent of parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed challenging the order passed by the fifth respondent in his proceedings in Na.Ka.No.4422/2023/G1, dated 04.07.2024.



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3. According to the petitioner, he has filed an appeal dated 08.07.2024 before the first respondent Government under Section 80-A of the Tamil Nadu Town and Country Planning Act and also filed an application for stay of the further proceedings of the impugned order passed by the fifth respondent. But, so far, the first respondent has not passed any order. Hence, the petitioner has filed the present writ petition.

4. Learned counsel for the petitioner would submit that now action has been taken by the fifth respondent Municipality under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act to lock and seal the premises in question, thereby the petitioner has been put to hardship. Therefore, he seeks for a stay of the further proceedings of the impugned order till the appeal is disposed of by the Government.

5. Learned Standing Counsel for the Municipality has not disputed the aforesaid fact and they have also admitted that an appeal has been filed by the petitioner before the Government and the same is pending.



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6. Considering the submissions of the parties concerned, we direct the first respondent Government to consider the said appeal dated 08.07.2024 preferred by the petitioner, on its own merits and in accordance with law, and to pass appropriate orders as early as possible, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondent Municipality shall not take any coercive steps.

7. The writ petition stands disposed of with the above directions. There shall be no order as to costs. Consequently, WMP Nos.24645 and 24646 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B., J.)  
09.08.2024

Index : Yes/No  
Neutral Citation : Yes/No  
mrn



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**THE HON'BLE ACTING CHIEF JUSTICE**

**and**

**P.B. BALAJI, J.**

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