



WEB COPY



W.P.No.22904 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

CORAM :

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

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.22904 of 2024 and

WMP No.24942 of 2024

Prabhy Poly Clinic

... Petitioner

Vs.

1.State of Tamil Nadu, rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariate, Chennai 600 099.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking to issue 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 at No.95, New Scheme Road, Pollachi pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-5 of the second respondent, pending disposal of the appeal filed under Section 80A of the Tamil Nadu Town and Country Planning Act 1971 before the first respondent.



W.P.No.22904 of 2024

For Petitioner : Mr.L.Palanimuthu
For Respondents : Mr.K.Karthik Jgannath, Govt. Advocate
for first respondent
Mr.B.Anand, Standing Counsel
for second respondent.

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner to forbear 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 at No.95, New Scheme Road, Pollachi pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-5 of the second respondent, pending disposal of the appeal filed under Section 80A of the Tamil Nadu Town and Country Planning Act 1971 before the first respondent.

2.1. The property in dispute was constructed in the year 1978 and there is no violation of rules in the said construction. In the said property the petitioner is carrying his business in the name and style of 'Prabhu Poly Clinic', and the set up of 'Poly clinic' was established, as per the registered



W.P.No.22904 of 2024

partnership deed dated 10.07.1978.

WEB COPY

2.2. The respondent issued a notice dated 10.01.2024, stating that action has been taken against the unauthorized buildings, as per the order of the High Court, thereby, called upon the petitioner to produce the details of the approval, rectifications, if any, and the regularization obtained, within 30 days, failing which the building will be locked and sealed. Challenging the said notice, the petitioner filed an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act before the first respondent and the same is pending. However, the officials of the second respondent are threatening the petitioner that they will lock and seal the premises, since no stay order has been passed in the appeal. Hence this writ petition.

3. The learned counsel for the petitioner has drew the attention of this Court to the order passed by a Division Bench of this court in similar matter in W.P.No.21063/2024, dated 29.07.2024, wherein, direction was issued to the authorities concerned to dispose the statutory revision, within a time limit, and hence, he seeks to pass order on the same line.



W.P.No.22904 of 2024

4. Mr.K.Karthik Jagannath, learned Government Advocate takes notice for the first respondent and Mr.B.Anand, learned Standing Counsel takes notice for the second respondent and they also given consent to dispose the writ petition on the same line, as ordered in the similar writ petition, stated supra.

5. Considering the facts and circumstances of the case and also taking into account the submission made by the learned counsel appearing on either side, we inclined to dispose the writ petition with the following directions.

i) The first respondent is directed to consider the appeal filed by the petitioner and pass appropriate orders within twelve weeks from the date of receipt of a copy of this order.

ii) Till such time, status-quo to be maintained and the respondent will not take any coercive steps.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.



WEB COPY



W.P.No.22904 of 2024

(D.K.K., A.CJ.)

(P.B.B.J.)

13.08.2024

(2/2)

Internet: Yes/No

Index : Yes/No

mst

To

1. The Secretary to Government, State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Secretariate, Chennai 600 099.
2. The Commissioner cum Member Secretary,
Local Planning Authority, Pollachi.



WEB COPY



W.P.No.22904 of 2024

THE HON'BLE ACTING CHIEF JUSTICE

and

P.B.BALAJI, J.

mst

W.P.No.22904 of 2024

13.08.2024

(2/2)