



WEB COPY



W.P.No.24078 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.24078 of 2024

S.Paramanandha Murugesh

.. Petitioner

Vs

1.State of Tamil Nadu,
rep. 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 : Petition filed under Article 226 of the Constitution of India seeking 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 at No.18, Kamaraj Road, Mahalingapuram, Pollachi, pursuant to the final notice dated 12.7.2024 in Proc.Na.Ka.No. 4422/2023/G1 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.



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For the Petitioner : Mr.L.Palanimuthu

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for respondent No.1

: Mr.B.Anand
Standing Counsel
for respondent No.2

ORDER

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

The petitioner has filed this writ petition seeking 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 at No.18, Kamaraj Road, Mahalingapuram, Pollachi, pursuant to the final notice dated 12.7.2024 in Proc.Na.Ka.No. 4422/2023/G1 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. Learned counsel for the petitioner submits that the



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planning approval was obtained by the petitioner from the competent authority on 25.8.2014, however, the second respondent issued the impugned notice dated 12.7.2024 under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 to lock and seal the premises of the petitioner. It is further submitted that, as against the impugned notice, the petitioner preferred an appeal under Section 80A of the Act before the first respondent and till the appeal is decided the possession of the petitioner may not be interfered with. He referred to an order dated 13.8.2024 passed by this court under identical circumstances in W.P.No.22901 of 2024 and prayed that a similar order may be passed.

3. Heard Mr.A.Edwin Prabakar, learned State Government Pleader for the first respondent; and Mr.B.Anand, learned Standing Counsel for the second respondent.

4. Considering the submissions made on either side and the earlier order dated 13.8.2024 passed by this court under identical circumstances, we dispose of the writ petition with the following



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directions:

- i. The first respondent is directed to consider the appeal dated 7.8.2024 filed by the petitioner on merits and in accordance with law and pass appropriate orders within twelve weeks from the date of receipt of a copy of this order;
- ii. Till such time, the respondents shall not take any coercive steps against the property of the petitioner.

There shall be no order as to costs. Consequently,
W.M.P.No.26329 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
27.08.2024

Index : Yes/No
NC : Yes/No
sasi



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To:

- 1.The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Commissioner cum Member Secretary,
Local Planning Authority,
Pollachi.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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