



WEB COPY



WP.Nos.26321, 26325, 26329, 26332 & 26333/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

WP.Nos.26321, 26325, 26329, 26332 & 26333/2024

and

W.M.P.Nos.28763, 28773, 28775, 28780, 28782/2024

A.Siva Shanmugavel

... Petitioner in
WP.No.26321/2024

1.M.Dhanapalan

2.Lingakani

... Petitioners
in WP.No.26325/2024

B.V.Suresh Raja

... Petitioner
in WP.No.26329/2024

Sivalingam

... Petitioner in
WP.No.26332/2024

Giriraj Purushothaman

... Petitioner in
WP.No.26333/2024

Vs.

1.State of Tamil Nadu,

Represented by is Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai – 600 009.



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

... Respondents

Prayer in WP.No.26321/2024 :- 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 at No.208, Rajamill Road, Pollachi, pursuant to the final notice dated 21.06.2024 in Proc.Na.Ka.No.212/2021/F-1 of the 2nd respondent 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.

Prayer in WP.No.26325/2024 :- 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 at No.90, 90/1 and 90/5, Kovai Road, Pollachi 642 001, pursuant to the final notice dated 21.06.2024 in Proc.Na.Ka.No.212/2021/F-1 of the 2nd respondent 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.

Prayer in WP.No.26329/2024 :- Writ Petition filed under Article 226 of the



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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 at Old No.199, New No.57, Bazzar Street, Pollachi, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-30 of the 2nd respondent 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.

Prayer in WP.No.26332/2024 : 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 at No.14/1, Sarojini Street, Mahalingapuram, Pollachi, pursuant to the final notice dated 21.06.2024 in Proc.Na.Ka.No.212/2021/F-1 of the 2nd respondent 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.

Prayer in WP.No.26333/2024 : 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 at No.10, Rajamill Road, Pollachi, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-44 of the 2nd



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respondent 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 Petitioners in
all writ petitions : Mr.L.Palani Muthu
For R1 in all
Writ petitions : Mr.M.Habeeb Rahman,GA
For R2 in all
Writ petitions : Mr.B.Anand
Standing Counsel

COMMON ORDER

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

- (1)The above writ petitions are filed for issuance of a Writ of Mandamus forbearing the respondents from taking any coercive steps pursuant to the final notices dated 10.01.2024 and 21.06.2024, pending disposal of petitioners' revision petitions on the file of the 1st respondent herein.
- (2)As against the final notices dated 10.01.2024 and 21.06.2024 for locking and sealing, demolition under Sections 56 and 57 of Town and Country Planning Act, 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



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of the petitioners is that the respondents are likely to take coercive enforcement action pursuant to the notices dated 10.01.2024 and 21.06.2024 against the petitioners herein, pending disposal of the statutory revisions. Hence, the learned counsel appearing 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.

(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 petitions, stated to have been filed by the petitioners, under 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 petitioner's' revision petitions are disposed of by the



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1st respondent on merits and the order is communicated to the petitioners, the respondents are directed to maintain status *quo*.

4. With these directions, the writ petitions are disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[SSSRJ] [KRSJ]
06.09.2024

AP

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

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.

S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.

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