



WEB COPY



W.P.No.28157 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

CORAM :

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

and

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.28157 of 2024

Malarvizhi

... Petitioner

Vs.

1. State of Tamil Nadu

Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariate,
Chennai 600 009.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of 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.18/1, Bharathi Street, Mahaingapuram, Pollachi 642 002, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-86 of the



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second respondent herein, pending disposal of the appeal filed under section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent herein.

For Petitioner : Mr.Karthik Lakshmanan
for Mr.L.Palanimuthu

For Respondents : Mr.M.Habeeb Rahman, Govt.Advocate
for first respondent

Mr.B.Anand, Standing counsel for R2

ORDER

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

The petitioner filed this writ petition seeking issuance of 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.18/1, Bharathi Street, Mahaingapuram, Pollachi 642 002, pursuant to the final notice dated 10.01.2024 in Proc.Na.Ka.No.212/2021/F-1-86 of the second respondent herein, pending disposal of the appeal filed under section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent herein.



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2. Learned counsel for the petitioner submits that the planning approval for construction of ground floor was already obtained from the competent authority in the year 2019 itself and thereafter, he filed an application to revise the plan before the Pollachi Municipality and the same was rejected. As against the rejection order, he filed an appeal before the Commissioner of Municipal administration and the same is pending. In such circumstances, final notice dated 10.01.2024 was issued by the second respondent, calling upon the petitioner to produce the details of the approval if any and regularization obtained, within 30 days, failing which the building will be locked and sealed.

3. It is further submitted by him that, as against the impugned notice, the petitioner preferred an appeal under Section 80A of the Act before the first respondent on 19.02.2024 and till the appeal is decided, the possession of the petitioner may not be interfered with. He referred to an order dated 27.8.2024 passed by this court under identical circumstances in W.P.No.24078 of 2024 and prayed that a similar order may be passed.



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3. Heard Mr.M.Habeeb Rahman, learned Government Advocate for the first respondent; Mr.B.Anand, learned Standing Counsel for the second respondent.

4. Considering the submissions made on either side and the earlier order dated 27.8.2024 passed by this court under identical circumstances in W.P.No.24078 of 2024, we dispose of the writ petition with the following directions:

i) The first respondent is directed to consider the appeal dated 19.02.2024 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.30698 of 2024 is closed.

(D.K.K., A.CJ.) (M.J.R.J.)

25.09.2024

Internet: Yes/No
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To
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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

M.JOTHIRAMAN, J.

mst

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