



WEB COPY



WP No.32569 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

AND

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

WP No.32569 of 2024

Mr.E.Kathirvel

... Petitioner

versus

1.The Director

Housing and Urban Development Department,
Government of Tamil Nadu,
5th Floor, CMDA Tower-1,
Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai -600 008.

2.The Commissioner,

Pollachi Municipality,
Government of Tamil Nadu,
108, Palakkad Road, Pollachi,
Coimbatore District -642 001.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the second respondent to dispose of the representation dated 31.07.2024 in regard to de-seal of the shop situated in No.14, 14/1 B Colony, Vijayaraghavan Street,

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Mahalingapuram, Pollachi within a time frame.

For Petitioner

: Mr.R.Sripriya

For Respondents

: Mr.M.Venkateshwaran
Special Government Pleader
for first respondent

Mr.B.Anand
Standing Counsel
for second respondent

ORDER

(Made by D. KRISHNAKUMAR, J.)

Writ petition is filed for a direction to the second respondent to dispose of the representation dated 31.07.2024 with regard to de-sealing of the shop situated in No.14, 14/1 B Colony, Vijayaraghavan Street, Mahalingapuram, Pollachi.

2. The petitioner has made a representation dated 31.07.2024 to the first respondent to de-seal the shop in question to rectify the defects and the same is still pending. Hence, the petitioner has filed the present writ petition.



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3. Learned Standing Counsel for the respondent Municipality would submit that the petitioner has preferred an appeal under Section 80-A of the Town and Country Planning Act, 1971, before the Government and the aforesaid appeal has been disposed of, permitting the petitioner to rectify the defects, as pointed out by the municipality, within a period of three months and the said period has expired. Therefore, the representation of the petitioner cannot be considered by the respondent municipality. If the petitioner requires further time, he can only make a representation before the Government seeking for granting of further time to rectify the defects pointed out by the municipality.

4. Learned counsel for the petitioner submits that liberty may be granted to the petitioner to make such representation to the Government.

5. In view of the above, the writ petition stands disposed of, with liberty to the petitioner to make a request to the Government to grant further time, within a period of two weeks from the date of receipt of copy of this



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order. Thereafter, it is for the respondent Department to consider the same and pass orders.

6. With the above directions, the writ petition stands disposed of.

There shall be no order as to costs.

(D.K.K., J.) (P.B.B., J.)
07.11.2024

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

To

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D. KRISHNAKUMAR, J.

and

P.B. BALAJI, J.

(mrn)

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