



WEB COPY



W.P.No.31122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P.No.31122 of 2024

and

W.M.P.Nos.33766 & 33767 of 2024

R.Ambujam

... Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
O/o. Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner/Member Secretary,
Pollachi Local Planning Authority,
Pollachi Municipality,
Pollachi,
Coimbatore District – 642 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the Special Revision/Application filed on 12.08.2024 under Sections 80-



W.P.No.31122 of 2024

A and 80-A(3) of the Town and Country Planning Act, 1971, by giving personal hearing to the petitioner and within the reasonable time to be fixed by this Court.

For Petitioner	:	Mr.K.V.Muthu Visakan
For R1	:	Mr.M.Venkateswaran Special Government Pleader
For R2	:	Mr.B.Anand Standing Counsel

ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the Special Revision/Application filed on 12.08.2024 under Sections 80-A and 80-A(3) of the Town and Country Planning Act, 1971, by giving personal hearing to the petitioner and within the reasonable time to be fixed by this Court.

2.As against the enforcement action taken by the respondents by issuing order under Sections 56 and 57 of the Town and Country Planning



W.P.No.31122 of 2024

Act, 1971, dated 08.07.2024, it is admitted that the petitioner has filed a special revision under Section 80-A of the Town and Country Planning Act, 1971, on 12.08.2024. The present writ petition is to protect her interest during the pendency of the proceedings before the 1st respondent. It is also admitted that, after passing the order on 08.07.2024, the premises has been sealed by the respondents, following the enforcement action. It is in these circumstances, the learned counsel for the petitioner would also pray for a direction to the 2nd respondent to de-seal the premises and permit the petitioner to use the premises till such time the statutory revision is disposed of.

3.This Court, in a similar case, in ***G.Kannan v. The Principal Secretary to Government of Tamil Nadu, Housing & Urban Development Department and another [W.P.No.24926 of 2024, dated 24.09.2024]***, allowed the writ petition with a direction to de-seal the premises forthwith and to maintain status *quo* till such time the special revision is disposed of by the 1st respondent on merits as directed by the Court.



W.P.No.31122 of 2024

WEB COPY

4. Accordingly, this writ petition is allowed with a direction to the 1st respondent to dispose of the special revision stated to have been filed by the petitioner under Section 80-A of the Town and Country Planning Act, 1971, on merits and in accordance with law, after giving an opportunity of personal hearing to the petitioner, within a period of 16 weeks from the date of receipt of a copy of this order. Meanwhile, the 2nd respondent is directed to de-seal the premises within a period of two days from the date of receipt of a copy of this order and maintain status *quo* till such time the special revision is disposed of on merits by the 1st respondent. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (A.D.M.C., J.)
24.10.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



W.P.No.31122 of 2024

To
WEB COPY

- 1.The Principal Secretary to Government of Tamil Nadu,
O/o. Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

- 2.The Commissioner/Member Secretary,
Pollachi Local Planning Authority,
Pollachi Municipality,
Pollachi,
Coimbatore District – 642 001.



WEB COPY



W.P.No.31122 of 2024

S.S. SUNDAR, J.
and
Dr.A.D. MARIA CLETE, J.

mkn

W.P.No.31122 of 2024

24.10.2024