



W.P.No.32839 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.32839 of 2024

and

W.M.P No.35669 of 2024

C.Suryamoorthy

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu, Fort St. George,
Chennai 600 009.

2.The Commissioner,
Palladam Municipality,
Trichy Road, Palladam,
Tiruppur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
for issuance of a Writ of Mandamus, forbearing the 2nd respondent from
proceeding further with the impugned Notice No: 1185/2020/F1 dated



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27.08.2024 issued by the 2nd respondent under sub-sections (2-A) and (5) of section 56 of the Tamil Nadu Town and Country Planning Act 1971 and till the petitioners application under Section 80 A of the Town and Country Planning Act 1971 is considered by the 1st respondent and consequently forbear the respondents from proceeding in any manner further based on the alleged acquisition proceedings.

For Petitioner : Mr.N.A.S.Richard

For Respondent 1 : Mr.M.Venkateswaran, Spl. Government Pleader

For Respondent 2 : Mr.B.Anand, Standing Counsel

ORDER

(Order of the Court was made by the D.KRISHNAKUMAR, J.)

This writ petition has been filed to forbear the 2nd respondent from proceeding further with the impugned Notice No: 1185/2020/F1 dated 27.08.2024 issued by the 2nd respondent under sub-sections (2-A) and (5) of section 56 of the Tamil Nadu Town and Country Planning Act 1971 and till the petitioners application under Section 80 A of the Town and Country Planning Act 1971 is considered by the 1st respondent and consequently forbear the respondents from proceeding in any manner further based on the



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alleged acquisition proceedings.

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2. The second respondent herein has issued the said impugned order to the petitioner by notifying the unauthorised development carried out by him in the subject matter of the building, in contravention of planning permission and further directed the petitioner to secure compliance with the conditions of the permission by attending the building works of deviated portion; and also to discontinue the use of the building, within 30 days from the date of notice.

3. According to the petitioner, after issuance of the said notice, he filed an appeal under Section 80A of the Tamil Nadu Town and Country planning Act, 1971 before the first respondent on 21.10.2024, and the same is pending for consideration. However, the municipality authorities have taken action for sealing the property. Hence this writ petition.

4. Learned Special Government Pleader appearing on behalf of the first respondent submits that the appeal filed by the petitioners shall be disposed of by the first respondent within eight weeks, after affording an



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opportunity of hearing to the petitioner.

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5. In the light of the submissions made, we dispose of the writ petitions with the following directions:

- i. The first respondent is directed to dispose of the appeal dated 21.10.2024 filed by the petitioner under Section 80A of the Tamil Nadu Country Planning Act, 1971, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner;
- ii. Till the disposal of the appeal, the respondents/ Municipality shall not take any coercive steps as against the property of the petitioner.

There shall be no order as to costs. Consequently, W.M.P.No.35699 of 2024 is closed.

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

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Internet: Yes/No

Index : Yes/No

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WEB COPY **To**

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- 2.The Commissioner,
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Trichy Road, Palladam,
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