



WEB COPY



W.P.(MD) No.1528 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.1528 of 2024

and

W.M.P.(MD)No.1534 of 2024

Kaleel Rahuman

... Petitioner

-Vs-

The Commissioner,
Colachel Municipality,
Kanyakumari District-629 251.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Municipality to give approval to the petitioner's revised plan for the building in Town Survey No.A2/91 (Door Nos. 2-67/6 to 2-67/27), Colachel Main Road, Kanyakumari District by considering the petitioner's representation / request dated 27.07.2023.

For Petitioner : Mr.Isaac Mohanlal, Senior Counsel,
for M/s.Isaac Chambers

For Respondent : Mr.P.Athimoola Pandian



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ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The short point involved in this Writ Petition is that the petitioner has received a notice from the respondent under Section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act') for removal of the unauthorized building. On receipt of the said notice, the petitioner has made an application to the respondent Municipality under Section 49 of the Act seeking approval for the revised plan and the said application is still pending with the respondent and necessary payment has also been paid for the aforesaid regularization of the application submitted by the petitioner. Seeking early disposal of the said application, the petitioner has filed this Writ Petition.

2.The learned Senior Counsel appearing for the petitioner drew the attention of this Court to Section 56(4)(a) of the Act, which says that the notice shall not be of any effect pending the final determination or withdrawal of the application.

3.The learned counsel appearing for the respondent Municipality fairly submitted that the application is pending with the respondent Municipality and



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also agreed that the same would be disposed of within a time frame to be fixed by this Court.

4.In the light of the above submissions, we direct the respondent Municipality to consider the application submitted by the petitioner dated 27.07.2023 and pass appropriate orders on its own merits and in accordance with law on or before 15.03.2024. We make it clear that till the disposal of the said application, as per Section 56(4) of the Act, the respondent shall not take any coercive steps against the petitioner.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]

15.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To
The Commissioner,
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