



WEB COPY

W.P.(MD) No.1608 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.1608 of 2019
and
W.M.P.(MD) No.1367 of 2019**

Al-Ameen

... Petitioner

-vs-

- 1.The State of Tamil Nadu
Represented by the Principal Secretary
Department of Urban Development and Housing
Fort St. George
Chennai – 600 009
- 2.The Kuzhithurai Municipality
Represented by its Commissioner
Kuzhithurai
Kanyakumari District
- 3.The Local Planning Authority
Represented by its Member Secretary (in-charge)
Kuzhithurai
Kanyakumari District

... Respondents



W.P.(MD) No.1608 of 2019

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents from initiating any coercive action until disposal of the application preferred by the petitioner under Section 80-A of the Town and Country Planning Act, 1971 on the file of the first respondent, within the time stipulated by this Court.

For Petitioner : Mr.P.Vetrivel

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1
Mr.P.Athimoola Pandian for R2

ORDER

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

Prayer in this writ petition is to forbear the respondents from initiating any coercive action until disposal of the application preferred by the petitioner under Section 80-A of the Town and Country Planning Act, 1971, within the time stipulated by this Court.

2. Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that the petitioner has filed an appeal under Section 80-A of the Town and Country Planning Act, 1971 before the



W.P.(MD) No.1608 of 2019

WEB COPY

appellate authority and he same is still pending. Therefore, till the disposal of the said appeal, the authority concerned may be directed not to take any coercive action as against the petitioner.

3. Taking into consideration the fact that the appeal filed by the petitioner under Section 80-A of the Town and Country Planning Act, 1971 is pending before the first respondent, we direct the first respondent to consider and pass orders in the appeal filed by the petitioner, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[R.V., J.]

27.03.2024

(9/11)

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

krk

Page 3 of 5



W.P.(MD) No.1608 of 2019

WEB COPY

To:

- 1.The Principal Secretary,
State of Tamil Nadu,
Department of Urban Development and Housing,
Fort St. George,
Chennai – 600 009.

- 2.The Member Secretary (in-charge)
Local Planning Authority,
Kuzhithurai,
Kanyakumari District.



WEB COPY



W.P.(MD) No.1608 of 2019

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

krk

W.P.(MD) No.1608 of 2019
and
W.M.P.(MD) No.1367 of 2019

27.03.2024

(9/11)