



W.P(MD)No.19115 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.19115 of 2024
and
WMP(MD)No.16173 of 2024**

R.Arunachalam

... Petitioner

vs.

1. The District Collector/Member Secretary,
Local Town and Country Planning,
Tuticorin District,
Tuticorin.

2. The Corporation Commissioner,
Tuticorin Corporation,
Tuticorin.

3. The Executive Engineer,
Tuticorin Corporation,
Tuticorin.

4. The Secretary to Government,
Housing and Urban Development Department,
St.George Fort,
Chennai.

... Respondents

(R4 impleaded vide order dated 20.08.2024 in WMP(MD)No.16760 of 2024)



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Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice in Na.Ka.No.F1/1172/2023/The.Ma dated 18.07.2024 issued by the 3rd respondent herein and quash the same as illegal.

For Petitioner : Mr.S.Saravanan
For R1, R3 & R4 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The petitioner is aggrieved by the action taken under the provisions of the Tamil Nadu Town and Country Planning Act 1971, to remove the unauthorised construction. It is the grievance of the petitioner that while the appeal under Section 80-A of the Act is pending with the Government, the respondents are hastily taking action to demolish the building in question. If the building is allowed to be demolished pending the revision under Section 80-A of the Act, the very revision will become infructuous.

2. Hence, we dispose of the writ petition with a direction to the 4th respondent to dispose of the appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act 1971, within a period of twelve weeks from



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the date of receipt of a copy of this order. The action taken under the provisions of the Tamil Nadu Town and Country Planning Act 1971, will stand deferred till the disposal of the revision under Section 80-A of the Act. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)
20.08.2024

Index : Yes / No
Neutral Citation : Yes / No
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.19115 of 2024
DATED : 20.08.2024