



W.P.(MD) No.21361 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 06.09.2024**

**CORAM:**

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

**W.P.(MD) No.21361 of 2024  
and  
W.M.P.(MD)No.18079 of 2024**

K.Varadharaj

... Petitioner

-VS-

1.The Commissioner,  
Karur Municipal Corporation,  
Karur,  
Karur District.

2.The Government of Tamil Nadu,  
Represented by its Secretary to Government,  
Housing and Urban Development Department,  
Secretariat,  
Chennai – 600 009.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the first respondent from initiating coercive action of locking and sealing action under Section 56 of the Town and Country Planning Act, pursuant to the notice, dated 06.08.2024, vide Na.Ka.No.1479/2015/F1, issued by the 1<sup>st</sup> respondent with regard to the building put up at Door Nos.139/1A, 139/2A, 139/3A, ground floor, first floor and second floor respectfully in Sy.No.139/1A part at Thanthoni Main Road, Karur, Karur District.



**W.P.(MD) No.21361 of 2024**

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|--------------------------------|----------------------------|
| For Petitioner                 | : Mr.I.Velpradeep          |
| For 1 <sup>st</sup> Respondent | : Mr.K.Balasubramani       |
| For 2 <sup>nd</sup> Respondent | : Mr.S.P.Maharajan         |
|                                | Special Government Pleader |

**ORDER**

**[Order of the Court was made by R.SUBRAMANIAN, J.]**

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.Kishore Ram, for M/s.R.B.Law Associates, learned counsel takes notice of the 3<sup>rd</sup> respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Admittedly the revision filed by the petitioner under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, is pending.

3.It is the apprehension of the petitioner that the authorities will implement the order for lock and seal passed by the first respondent even during the pendency of the revision. If the alleged violating portions of the building are removed pending revision, it will definitely cause irreparable hardship to the petitioner, if he succeeds in the revision.

4.In matters where execution of the orders will lead to irreparable consequences like dispossession or demolition of existing construction, the appellate or revisional authorities will do well to suspend or stay execution



**W.P.(MD) No.21361 of 2024**

of the orders that are under challenge before them. Though such statutory power is invested in all such cases it is seldom exercised, leading to spate of Writ Petitions in this Court where this Court grants interim orders pending disposal of revision before other authorities. We have made similar observation in one another case also.

5.The Writ Petition is therefore, disposed of with a direction to the second respondent/the revisional authority to dispose of the revision within a period of 12 weeks from the date of receipt of copy of the order and till such time the revision is disposed of, further action, under the Tamil Nadu Town and Country Planning Act, for removal of offending construction will stand suspend.

6.The Writ Petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

**[R.S.M., J.]**

**[L.V.G., J.]**

**06.09.2024**

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



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**W.P.(MD) No.21361 of 2024**

**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

Mrn

To

- 1.The Commissioner,  
Karur Municipal Corporation,  
Karur,  
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