



WEB COPY

W.P.(MD)No.23165 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2024

CORAM:

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

**W.P.(MD)No.23165 of 2024
and
W.M.P.(MD)No.19629 of 2024**

P.Rajeshkumar

... Petitioner

-VS-

1.The Principal Secretary,
Housing and Urban Development,
St. George Fort,
Chennai-600 009.

2.The Member Secretary,
Karur City Municipal Corporation,
Azad Road,
Karur.

3.The Commissioner,
Karur city Municipal Corporation,
Azad Road,
Karur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the 3rd respondent from initiating any coercive action including lock and seal of the premises of the petitioner located in S.No. 274/2, 275/53A & 276/62B to an extent of 2624 sq.ft located in LNS village, Karur Taluk and District in pursuant to the notice dated 02.04.2024 made in UAC.No.01/2023/F1 (Zone-I) or any subsequent notice dated 02.07.2024 made in UAC No.01/2023/F1(Zone-1) issued by the 3rd respondent pending disposal of the appeal filed under Section 80A of Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent.

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For Petitioner : Mr.N.Shanmuga Selvam
For R-1 : Mr.S.P.Maharajan,
Special Government Pleader
For R-2 & R-3 : Mr.K.Balasubramani,
Standing counsel

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the 1st respondent.

2. Mr.K.Balasubramani, learned standing counsel takes notice for the respondents 2 and 3.

3. This writ petition is filed to issue a Writ of Mandamus, forbearing the 3rd respondent from initiating any coercive action including locking and sealing of the premises of the petitioner located in S.No.274/2, 275/53A & 276/62B to an extent of 2624 sq.ft located in LNS village, Karur Taluk and District in pursuant to the notice dated 02.04.2024 made in UAC.No.01/2023/F1 (Zone-I) or the subsequent notice dated 02.07.2024 made in UAC No.01/2023/F1(Zone-1) issued by the 3rd respondent pending disposal of the appeal filed under Section 80A of Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent.



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4. Admittedly, the proposed action under Section 56 of the Act, is subject matter of challenge under Section 80-A of the Act. Pending the revision, the impugned notice has been issued pursuant to an order passed by this Court dated 11.01.2024 in W.P.(MD)No.7777 of 2017, filed by one S.Sakul Hameed. If the alleged illegal or irregular construction is removed during the pendency of the revision under Section 80-A of the Act, the very revision would be rendered infructuous.

5. Though Sub-Section 3 of Section 80-A of the Act, invests power in the Government to pass interim orders. Such powers are seldom exercised. Normally, the authorities await disposal of revision filed under Section 80-A of the Act unless this Court intervenes by way of Mandamus.

6. Hence, this writ petition is disposed of with a direction to the third respondent to dispose of the revision petition filed under Section 80-A of the Act, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, no further action shall be taken under the Tamil Nadu Town and Country Planning Act, 1971, for removal of the alleged unauthorized construction. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

27.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

Sml

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W.P.(MD)No.23165 of 2019

To

- 1.The Principal Secretary,
Housing and Urban Development,
St. George Fort,
Chennai-600 009.
- 2.The Member Secretary,
Karur City Municipal Corporation,
Azad Road,
Karur.
- 3.The Commissioner,
Karur city Municipal Corporation,
Azad Road,
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and
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