



WP(MD). No.27455 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD).No.27455 of 2024 and
WMP(MD) No.23286 of 2024

1. A.Venkatraman
2. A. Jeyajothiraja

... Petitioners

Vs

1. The Director,,
Department of Town and Country Planning,Chennai..

2. The Commissioner,
(Town and Country Planning Department),
Virudhunagar Municipality,
Virudhunagar District.

3. The Member Secretary,,
Virudhunagar Local Town Planning Authority,
Vaidhyanatha Iyer St, Shenoy Nagar,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the 2nd respondent from taking coercive action under Section 56 (5) of the Tamil Nadu Town and Country Planning Act, 1971 pending disposal of the



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revision petition dated 13.11.2024 before the 1st respondent under section 80 of the Town and Country Planning Act, 1971 and the revised plan by way of retention application, dated 11.11.2024 submitted by the petitioners before the 2nd respondent in light of section 56(3) r/w 49 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.N.Dilipkumar
For Respondents : Mr.SR.A.Ramachandran for R1&R2
Addl. Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed to forbear the 2nd respondent from taking coercive action under Section 56 (5) of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act') pending disposal of the revision petition dated 13.11.2024 before the 1st respondent under section 80 of the Act and the revised plan by way of retention application, dated 11.11.2024 submitted by the petitioners before the 2nd respondent in light of Section 56 (3) r/w 49 of the Act.



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3. When the respondents herein had passed orders under Rule 5(b) of the Town and Country Planning (Removal of Unauthorised Development) Rules, 2022, dated 16.10.2024, the same came to be challenged by way of revision under Section 18 of the Town and Country Planning Act (hereinafter referred to as 'the Act'). Along with the revision petition, the petitioners have also sought for an interim prayer under Section 80(3) of the Act seeking for suspension of the execution of the decision. The said application was filed on 13.11.2024 and the petitioners herein have preferred the present writ petition on the very next day, ie., on 14.11.2024.

4. We do not appreciate the manner in which the present writ petition has been filed, without waiting for the outcome of the interim application, seeking for suspension of the final orders by the Government, is disposed of. However, the learned counsel for the petitioners would submit that the property in question is a marriage hall and the private parties have already booked the hall on various dates and therefore, they apprehend that any coercive action might cause serious prejudice for the parties.



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5. We are of the view that if the revisional authority is directed to dispose of the interim application filed under Section 80(3) of the Act, within a time frame and protecting interest of the petitioner till such time, the ends of justice would be secured. Accordingly, there shall be a direction to the first respondent herein to dispose of the application filed under Section 80(3) of the Act seeking for suspension of final orders dated 16.10.2024 in accordance with law and on its own merits, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the 2nd respondent herein shall not initiate any coercive action under Section 56(5) of the Act.

6. The writ petition is disposed of with the above observation and direction. No costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

[A.D.M.C.,J]

18.11.2024

NCC : Yes/No

Index : Yes/No

Office to Note: Order copy on 19.11.2024

RR



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TO

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Department of Town and Country Planning,
Chennai..

2. The Commissioner,
(Town and Country Planning Department),
Virudhunagar Municipality,
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ORDER
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