



W.P.No.21911 of 2025

J. NISHA BANU, J.

and

M. JOTHIRAMAN, J.

This matter is listed today under the caption 'for being mentioned' at the instance of the learned counsel appearing for the petitioner.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submits that in similar circumstances, this Court, while disposing of the Writ Petition in W.P.No.21073 of 2024 dated 29.07.2024, had directed the respondents to maintain *status quo*. Hence, he prays that *status quo* be maintained by the second respondent till disposal of the appeal filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

3. Considering the submissions made by the learned counsel appearing for the petitioner, paragraph No.5 of the order dated 20.06.2025 made in W.P.No.21911 of 2025 shall be replaced as follows:-

“5. Since the petitioner has filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, without going into the merits of the claim made by the petitioner, the first respondent is directed to pass orders on the same, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till disposal of the appeal filed by the petitioner, the second respondent is directed to maintain *status quo*. No costs. Consequently, connected miscellaneous petition is closed.”



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4. The Registry is directed to carry out the necessary corrections and issue a fresh order copy to the parties.

[J.N.B., J.] [M.J.R., J.]

08.07.2025

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08-07-2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.21911 of 2025

and

W.M.P.No.24677 of 2025

Ambal Retail

rep. by its Partner Asokan Muthuswamy,
Having office at No.20/B, Nanjappa Nagar,
Trichy Road,
Coimbatore - 641 018

...Petitioner

Vs.

1. The Government of Tamilnadu,
rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2. The Commissioner,
Pollachi Municipality,
Municipal Office,
Pollachi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus forbearing the respondents, from in any manner initiating any action or locking and sealing of the premises bearing Door Nos.198/2, 199 1A 4B & 199/1B1 pursuant to the notice dated 01.06.2025 in Na.Ka.No.212/2021/F1(2043/2025/F-1) issued by the 2nd respondent herein, pending disposal of the Appeal filed under Section



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80A of the Tamil Nadu Town and Country Planning Act, 1971 filed by the petitioner on 10.06.2025 on the file of the 1st respondent herein.

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For Petitioner : Mr.Aravind Pandian,Senior Counsel
for Mr.M.Raja Sekhar

For Respondents : Mr.M.Venkateswaran,
Special Government Pleader for R1
Mr.B.Anand,
Standing Counsel for R2

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

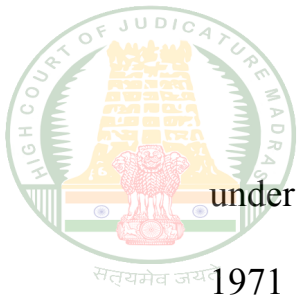
Mr.M.Venkteswaran, learned Special Government Pleader takes notice for the 1st respondent. Mr.B.Anand, learned Standing Counsel takes notice for the 2nd respondent. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus forbearing the respondents, from in any manner initiating any action of locking and sealing of the premises bearing Door Nos.198/2, 199 1A 4B & 199/1B1, pursuant to the notice dated 01.06.2025 in Na.Ka.No.212/2021/F1(2043/2025/F-1) issued by the 2nd respondent herein, pending disposal of the Appeal filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 filed by the petitioner on 10.06.2025 on the file of the 1st respondent herein.



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3. The case of the petitioner is that the premises bearing Door Nos.198/2, 199/1A 4B & 199/1B1 is owned by the Tamil Evangelical Lutheran Church (TELC). The said premises was constructed after getting Planning permission from the Municipality of Pollachi in the year 1982 itself. The said property is assessed to property tax in the name of TELC Church by the Municipality, for which, property tax is being paid to the 2nd respondent Municipality by the Church apparently for over 45 years. The petitioner took the said premises on rent in the year 2021 and running the business of Tanishq Showroom for the last 4 years. Thereafter, the premises was taken on rent by S.Mani and others, Jewellers, who could not operate on account of Covid pandemic and they vacated the premises and the petitioner took over the same on rent/lease. As permitted under the lease, the petitioner made improvements to the premises to suit the needs of its business and no structural alteration was made to the premises. The petitioner is sharing a common wall with the adjoining tenants and in the said building, there are several other tenants. Except the petitioner, none of the other tenants have been issued with the notice of the 2nd respondent claiming that the construction is unapproved. Aggrieved against the notice dated 01.06.2025 issued by the 2nd respondent, which was also affixed in the petitioner's premises on 05.06.2025, an appeal



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under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 was filed on 10.06.2025 before the 1st respondent along with an application for interim stay of the order dated 01.06.2025. The said appeal is pending on the file of the 1st respondent, till date. Hence, the present writ petition has been filed with the aforesaid relief.

4. Heard the learned counsel for the petitioner and perused the materials available on records.

5. Since the petitioner has filed an appeal under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, without going into the merits of the claim made by the petitioner, the 1st respondent is directed to pass orders on the same on merits in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B.,J.] [M.J.R.,J.]
20.06.2025

vsi
Speaking order/Non-speaking order
Neutral Citation: Yes/No



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To
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1. The Secretary to Government of Tamilnadu,
Housing and Urban Development Department,
Fort St.George,Secretariat, Chennai - 600 009.
2. The Commissioner,
Pollachi Municipality,
Municipal Office, Pollachi.



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