



WEB COPY

WP.No.22824 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.22824 of 2025

and

W.M.P.Nos.25647 & 25648 of 2025

Senthilkumar
S/o Arumugam

...Petitioner

Vs.

1. The Principal Secretary
to Government of Tamilnadu,
O/o Housing and urban Development Department,
Secretariat,
Chennai - 600 009.

2. The Assistant/ Joint Director of Town
and Country Planning,
Town and Country Planning Office,
FCI Road, Gandhinagar,
Ganapathy, Coimbatore - 641 004.

3. The Commissioner/ Member Secretary,
Pollachi Local Planning Authority,
Pollachi Municipality,
Pollachi,
Coimbatore District - 642 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of th Constitution of India seeking to issue a Writ of Mandamus to direct the first respondent to consider and dispose of the stay application in the Special Revision



WP.No.22824 of 202:



Petition filed under Section 80A(3) of the Tamil Nadu Town and Country Planning Act, 1971, by the petitioner on 29.11.2024 on the file of the first respondent.

For Petitioner : Mr.Muthuvisakan
for Mr.K.Babu

For Respondents : Mr.M.Venkateswaran,
Special Government Pleader
for R1 & R2
Mr.B.Anand,
Standing Counsel for R3

ORDER

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

Mr.M.Venkateswaran, learned Special Government Pleader takes notice for the 1st & 2nd respondents. Mr.B.Anand, learned Standing Counsel takes notice for the 3rd respondent. By consider 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 to direct the first respondent to consider and dispose of the stay application in the Special Revision Petition filed under Section 80A(3) of the Tamil Nadu Town and Country Planning Act, 1971, by the petitioner on 29.11.2024 on the file of the first respondent.

3. (i) The case of the petitioner is that he is owner of the property



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located at No.4, Town Survey ward No.E, T.S.No.153/1A Part of Bharathi Road, Pollachi, Coimbatore District. The above said property along with larger extent of lands originally belonged to his grandfather and subsequently, by way of Deed of Family Arrangement dated 29.09.2006, a portion of the said property was allotted to his father P.N.Arumugam and his brother N.Chandrasekaran and subsequently, through WILL and registered Settlement deed, part of the property consisting of land with building in the sub-divided survey No.153/1 was given to the petitioner. The building was constructed during the year 1962 and it is in existence for more than 60 years.

(ii) A third party seems to have filed a Public Interest litigation in W.P.No.227 of 2024 before this Court to remove the unauthorized construction and encroachments in Pollachi Municipality and this Court closed the said writ petition with certain direction. The 3rd respondent issued notice and the petitioner appeared with requisite documents. But the 3rd respondent issued another notice calling for details of approved building plan along with stop work order stating that failure to comply would result in the building being lock and sealed.

(iii) The petitioner has leased out the building to small eatery and shops and his entire livelihood depends on the source of rental income from the said property. Apart from that, there are more than 20 persons



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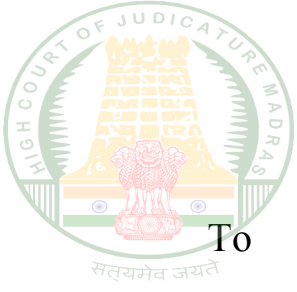
employed in the eatery and shops. The petitioner filed Special Revision application under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 along with the stay petition and the same is pending. Hence, the present writ petition has been filed with the aforesaid relief.

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 three months from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. 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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to Government of Tamilnadu,
O/o Housing and urban Development Department,
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