



W.P.No.27865 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.27865 of 2025
and
W.M.P.No.31207 of 2025

B.Aboorvam

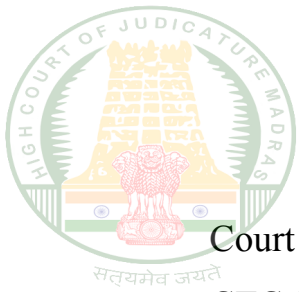
... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai.
2. The Director of Town and Country Planning,
2nd, 3rd and 4th Floors, CMDA Market,
C & E Road, Koyambedu,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to conclude the enquiry and pass final orders on the petitioner's Statutory Appeal dated 20.06.2025 under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971 within the time that may be stipulated by this Hon'ble Court and consequently forebear the respondents or their Subordinates / Planning Authority from taking any coercive action qua the petitioner's hospital till such disposal in the light of the decision of the Hon'ble Apex



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Court in the Commissioner, Corporation of Madurai vs. Dr.Ismail, 2017 (5)
CTC 558.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.M.Venkateswaran
Spl. Govt. Pleader

ORDER

(By *J.Nisha Banu,J.*)

This Writ Petition has been filed for a direction to the 1st respondent to conclude the enquiry and pass final orders on the petitioner's Statutory Appeal dated 20.06.2025 under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971 within the time that may be stipulated by this Hon'ble Court and consequently forebear the respondents or their Subordinates / Planning Authority from taking any coercive action qua the petitioner's hospital till such disposal in the light of the decision of the Hon'ble Apex Court in the Commissioner, Corporation of Madurai vs. Dr.Ismail, 2017 (5) CTC 558.

2. Mr.M.Venkateswaran, learned Special Government Pleader takes notice for the respondents. By consent, the Writ Petition itself is taken



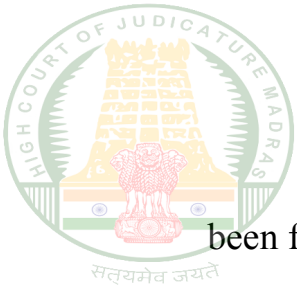
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up for final disposal at the admission stage.

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3. It is the case of the petitioner that he is a Doctor by profession and has been running a hospital in the name and style of Dr.Chidambaram Memorial Hospital for the past 15 years and the hospital was constructed after obtaining necessary plan. While so, one Mayilswamy filed a complaint as if there is an unauthorized construction of the hospital. Pursuant to the complaint, the 2nd respondent inspected the place and advised to file a revised plan. It is further case of the petitioner that he has filed a Revised Plan under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971 on 13.06.2025 that was rejected by a non speaking order on 16.06.2025. Aggrieved by the same, the petitioner has preferred an appeal before the 1st respondent on 20.06.2025 under Section 79 of the Act, 1971 and the same is pending. In the meanwhile, there is a threat of coercive action against the petitioner. Hence, the petitioner is before this Court.

4. Mr.M.Venkateswaran, learned Special Government Pleader contended that the appeal has not been filed in a proper format and it has



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been filed in the form of representation.

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5. In reply to the above, learned counsel for the petitioner would state that there is no proper format prescribed in filing an appeal and therefore, the representation dated 20.06.2025 may be treated as an appeal and the same may be disposed of.

6. Taking note of the submissions of the learned counsel on either side, when there is no proper format in filing an appeal, the 1st respondent is directed to treat the representation dated 20.06.2025 as an appeal filed against the order of refusal dated 16.06.2025 and consider the appeal preferred by the petitioner, by giving an opportunity of personal hearing to the petitioner and thereafter, pass necessary orders therein on merits and in accordance with law. Such an exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.



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(J.N.B.J.,) (M.J.R.J.,)

25.07.2025

Index: Yes / No
Internet: Yes / No
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To:

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State of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai.
2. The Director of Town and Country Planning,
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J.NISHA BANU, J.

AND



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