

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.16612 of 2016
&
WMP.No.14348 of 2016

Mohammed Farook
S/o Mohammed Sheriff ... Petitioner

-vs-

1. District Collector
Perambalur Collector Office Road
Perambalur District
2. Assistant Director
Town and Country Planning Department
No.132-A3, Periyar Street
Thuraimangalam
Perambalur District ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for records in Na.Ka.En.1214/2016/PA4 dated 13.04.2016 on the file of the first respondent and to quash the same as illegal, incompetent and without jurisdiction.

For Petitioner :: Mr.V.Raghavachari

For Respondents :: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2. The petitioner claims to be the owner of property in Survey No.296/2A1A2, 296/2A1A3, 296/2A1A4 measuring an extent of 4143 $\frac{3}{4}$ square feet and also claims to have obtained permission for putting up a commercial complex. In connection with the

putting up of construction in violation of the building plan, there appears to be a dispute. In this regard, the respondents/authorities have been moved and also the respondents/authorities, having initiated action, also sought to put the premises under lock and seal. Hence this writ petition.

3. It is not in dispute that the provisions of the Tamil Nadu Town and Country Planning Act vis-a-vis the Tamil Nadu District Municipalities Act provide for an opportunity of hearing to the aggrieved person before any such action is sought to be initiated either by way of locking and sealing or by way of demolition etc., only after a fair enquiry in the matter. In such circumstances, till such time such a grievance against the petitioner is sought to be complied with on such notice being issued by the respondents/authorities in favour of the petitioner, status quo shall be maintained. It is for the second respondent to do the needful within a period of two months from the date of receipt of a copy of this order in accordance with law after giving opportunity to the petitioner. With this observation, the writ petition is disposed of accordingly. Consequently, W.M.P.No.14348 of 2016 is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ss

To

1. The District Collector
Perambalur Collector Office Road
Perambalur District

2. The Assistant Director
Town and Country Planning Department
No.132-A3, Periyar Street
Thuraimangalam
Perambalur District

+1 cc to Mr.V.Raghavachari Advocate sr.35661

+2 ccs to the Government Pleader sr.35925 & 36128

W.P.No.16612 of 2016

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