

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2016

CORAM

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

Writ Petition No.27387 of 2016
and WMP.No.23591 of 2016

N.Natarajan

...Petitioner

Vs.

- 1 The Government of Tamilnadu
rep. by Secretary to Government
Housing & Urban Development Department
Fort St.George, Secretariat
Chennai-9
 - 2 The Commissioner of Town and Country Planning
No.807, Anna Salai
Chennai-600 002
 - 3 The District Collector/Chairman
Villupuram Local Planning Authority
Collectorate, Villupuram
 - 4.The Assistant Director of Town Panchayat
Cuddalore Zone, Cuddalore
 - 5.The Executive Officer
Vadakanathal Town Panchayat
Villupuram District
- ...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 2 to 5 herein from in any manner locking and sealing the premises bearing Survey No.445/3. Vadakananthal East Village, Chinna Salem Taluk, Villupuram District, Ward No.14, L.F.Road, Vadakananthal Town Panchayat, pursuant to the notice bearing Na.Ka.No.A2/672/2014 dated 20.07.2016 issued by the 5th respondent, till the disposal of the appeal pending before the 1st respondent in accordance with law.

For Petitioner : Mr.P.Valliappan

For Respondents : Mr.T.Devendran, Addl.Govt.Pleader

O R D E R

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

Heard Mr.P.Valliappan, learned counsel for the petitioner and Mr.P.Devendran, learned Additional Government Pleader, who accepts notice for respondents 1 to 5.

2. This Writ Petition is filed praying for a direction to forbear the respondents 2 to 5 from locking and sealing the premises bearing Survey No.445/3. Vadakananthal East Village, Chinna Salem Taluk, Villupuram District, Ward No.14, L.F.Road, Vadakananthal Town Panchayat, pursuant to the notice bearing Na.Ka.No.A2/672/2014 dated 20.07.2016 issued by the 5th respondent, till the disposal of the appeal pending before the 1st respondent.

3. It is averred in the Writ Petition that the petitioner is the absolute owner of the property mentioned above and is in absolute possession and enjoyment of the said lands and for putting up construction in an extent of 4 cents, approached the 5th respondent with a building plan and sketch in the year 2015 and started putting up construction. It is further averred that even after completion of construction, the petitioner could not obtain necessary approval, but the 5th respondent issued a Notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, (hereinafter called as "Act") for lock and seal dated 01.03.2016. Thereafter, the 5th respondent issued another Notice dated 20.07.2016 stating that the building will be locked and sealed on 05.08.2016. Aggrieved by the same, the petitioner is before this court.

4. The learned counsel for the petitioner submits that the petitioner filed an appeal to the 1st respondent under Section 80 (A) of the Tamil Nadu Town and Country Planning Act, 1971 along with stay petition on 02.08.2016. He further submitted that even though the building plan has been submitted by the petitioner to the 5th respondent for approval way back during January 2015, for more than 1 ½ years, no action has been taken and by the impugned order dated 20.07.2016, it was noticed that the building of the petitioner will be locked and sealed by the Panchayat on 05.08.2016.

5. Considering the above averments made in the Writ Petition and also the submissions made by the learned counsel for the

petitioner, we hereby direct the 5th respondent to consider the plan approval submitted by the petitioner and process the same without any delay and further not to take any coercive steps against the petitioner till a decision is taken by the 1st respondent. On the other hand, the 1st respondent is directed to consider and dispose of the Petitioner's appeal filed under Section 80(A) of the Act, in accordance with law, within 3 months from the date of receipt of a copy of this order, after affording an opportunity to the petitioner.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1 The Secretary to Government of Tamilnadu
Housing & Urban Development Department
Fort St.George, Secretariat
Chennai-9
- 2 The Commissioner of Town and Country Planning
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Cuddalore Zone, Cuddalore
- 5.The Executive Officer
Vadakanathal Town Panchayat
Villupuram District

1 cc to Government Pleader, sr.44750

mpi co, kra 05.08.2016

W.P.No.27387 of 2016