

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2017

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THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5696 of 2017

and

W.M.P.Nos.6085 & 6086 of 2017

Precision Carbonates Pvt. Ltd.
rep. by its Director J.M.Amanullah
Flat No.502 C-Block
5th Floor Shivalaya Building,
Ethiraj Salai, Chennai 600 105. ...Petitioner

Vs.

- 1 The Director
Town and country Planning Authority
4th Floor, Chengalvarayan Building,
No.807 Anna Salai. Chennai 600 002.
- 2 The President,
Thiruporur Panchayat Union
Muttukadu 603 112
- 3 The Member Secretary
Tamilnadu Coastal Regulatory Zone Management
Authroity and Director of Environment
Ground Floor, Panagal Building, Saidapet,
Chennai-18
- 4 District Coastal Zone Management Authority
rep. by District Environment Engineer
Tamilnadu Pollution Control Board
Maraimalai Nagar
Kancheepuram District
- 5 The Government of Tamilnadu
rep. by its Secretary
Department of Environment
Fort St. George, Chennai-9.

6 Member Secretary
Local Planning Authority
Mamallapuram
Kancheepuram District 603 104.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records on the file of the 6th respondent herein in its proceedings Na.Ka.No.22/2016 Ma.U.Thi.Ku. dated 30.11.2016 and quash the same as illegal invalid and non est in the eyes of Law and thereby issue direction to the 6th respondent to remove the lock and seal put up at the premises situate at Old S.No.108/6 Patta No.691 as per patta New S.No.108/6I1B2 Muttukadu Village, Thiruporur Taluk, Kancheepuram District.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader

ORDER

(Order of the Court was made by the Acting Chief Justice)
Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for all the respondents.

2. The petitioner has filed the writ petition seeking to quash the locking and sealing notice issued by the sixth respondent dt. 30.11.2016 and consequently, direct the sixth respondent to remove the lock and seal put up at the premises situated in Old S.No.108/6, Patta No.691, as per patta New S.No.108/611B2, Muttukadu village, Thiruporur Taluk, Kancheepuram District.

3. It is the case of the petitioner that the petitioner is the absolute owner of the land situated at Muttukadu village, Tiruporur Taluk, Kancheepuram District comprised in Old S.No.108/6, New S.No.108/611B1B and 108/611B2 measuring an extent of 50 cents. After obtaining plan approval, the petitioner has put up construction thereon. In W.P.No.38272 of 2015 filed by one Anand J.Danani, it was alleged that the petitioner herein has put up illegal unauthorised construction. By order dated 10.11.2016, the said writ petition was disposed of with a direction to the sixth respondent herein to issue lock and seal notice. Pursuant to the order made in the aforesaid writ petition, the lock and seal notice was issued by the sixth respondent and the sixth respondent has also effected locking

and sealing of the building. According to petitioner, pursuant to the planning permission and building permit granted by the second respondent, they had put up construction. Hence, the present writ petition is filed seeking the relief stated supra.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

5. The main contention of the petitioner is that no notice was served before issuing locking and sealing notice, despite the fact that the petitioner had obtained plan approval/ No Objection Certificate from Muttukadu Village Panchayat. The stand of the petitioner is that the locking and sealing notice issued by the sixth respondent is without any authority of law and prays for quashing of the same.

6. We find that the proper authority for issuing No Objection Certificate is the Member Secretary, Local Planning Authority, Mamallapuram/sixth respondent and Muttukkadu Village Panchayat/second respondent has no jurisdiction to issue such certificate in favour of the petitioner. Therefore, the No Objection Certificate issued by Muttukadu Village Panchayat is non-est in the eye of law.

7. In such circumstances, without expressing anything on merits of the matter, we direct the petitioner to approach the sixth respondent for according sanction of the building plan by submitting an application with plan within a period of two weeks from the receipt of the copy of this order. On receipt of such application with plan, the sixth respondent to consider the same in accordance with law within a period of two months thereafter. It is made clear that till the disposal of the said application, petitioner shall not put up any construction.

8. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.Nos.6085 & 6086 of 2017 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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- 6 The Member Secretary
Local Planning Authority
Mamallapuram
Kancheepuram District 603 104.

+2cc to Mr.Thiyagarajan, Advocate, S.R.No.15327

+1cc to Mr.*, Advocate, S.R.No.15028

KJ(CO)

RS(24/03/2017)

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