

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.12714 of 2017
& WMP.No.13551 of 2017

The Udumalpet Recreation Club,
Rep. by its Secretary,
M.Gurraja Moorthy.

.. Petitioner

Versus

1. The Commissioner,
Udumalpet Municipality,
Udumalpet, Tiruppur District.
2. The District Collector,
Tiruppur District,
Tiruppur.
3. The Tahsildar,
Udumalpet,
Tiruppur District.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records relating to the notice dated 10.04.2017 in Na.Ka.No.2690/2013/F1 of the 1st respondent and quash the same and consequently, direct the 1st respondent Municipality to remove the lock and seal put up at the petitioner's premises situated at Old Survey Ward B, Blcok No.5, T.S.No.63, New Survey Ward D, Blcok No.5, T.S.No.47, Kalpana Road, Udumalpet, Tiruppur District.

For Petitioner	: Mr.AR.L.Sundaresan, SC for M/s.A.L.Ganthimathi
For R1	: Mr.A.S.Thambuswamy
For RR2 & 3	: Mr.P.Sanjai Gandhi, AGP

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.,)

The petitioner, challenging the impugned lock and seal notice issued by the 1st respondent under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, 1971 has already filed appeal under Section 80A of the Tamil Nadu Town and Country Planning Act 1971, which is pending disposal and he also filed petition for stay under Section 80 A(3) of the Tamil Nadu Town and Country Planning Act, 1971.

2. However, the petitioner, despite filing the appeal challenging the legality of the impugned lock and seal order, dated 10.04.2017 passed by the 1st respondent, filed the present writ petition challenging the very same impugned notice. In the considered opinion of this Court, the petitioner despite availing alternative remedy, has also filed this writ petition.

3. It is for the petitioner to work out his remedy in the appeal filed by them before the Principal Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai and also move for interim orders.

4. The learned counsel appearing for the petitioner would submit

that this Court, while entertaining this writ petition, has granted interim order of status quo till the disposal of the appeal, which shall be maintained.

5. The learned Standing Counsel appearing for the first respondent would submit that the petitioner has put up construction without any planning permission and taking into consideration the same, the impugned lock and seal notice has been issued.

6. On a perusal of the interim order dated 17.05.2017 passed by this Court at the time of entertaining the writ petition, it discloses that no reason have been assigned and position that existed on the date of passing of interim order, has also not been indicated therein. Be that as it may, the petitioner has also filed stay petition pending disposal of the appeal and it is for the petitioner to move the appellate authority for interim orders.

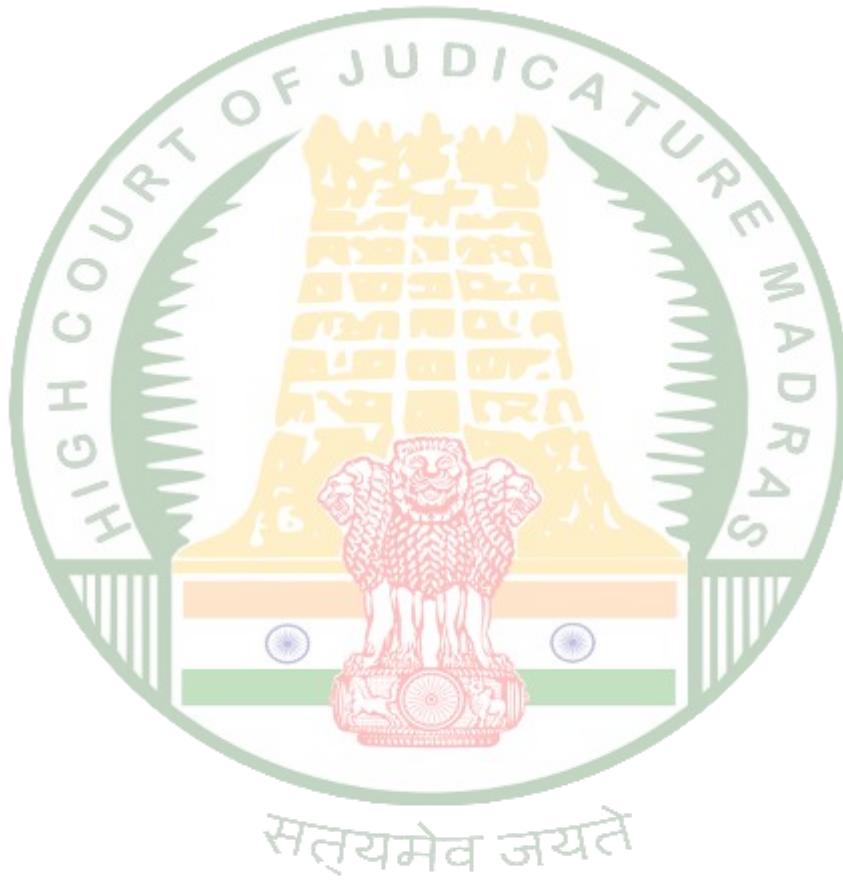
7. Therefore, the writ petition is disposed of, granting liberty to the petitioner to pursue the said remedy. Consequently, the interim order dated 17.05.2017 is vacated and WMP is closed. No costs.

(MSNJ) (NSSJ)
27.07.2017

Index: Yes/ No

<http://www.judis.nic.in> Internet: Yes/No

pvs

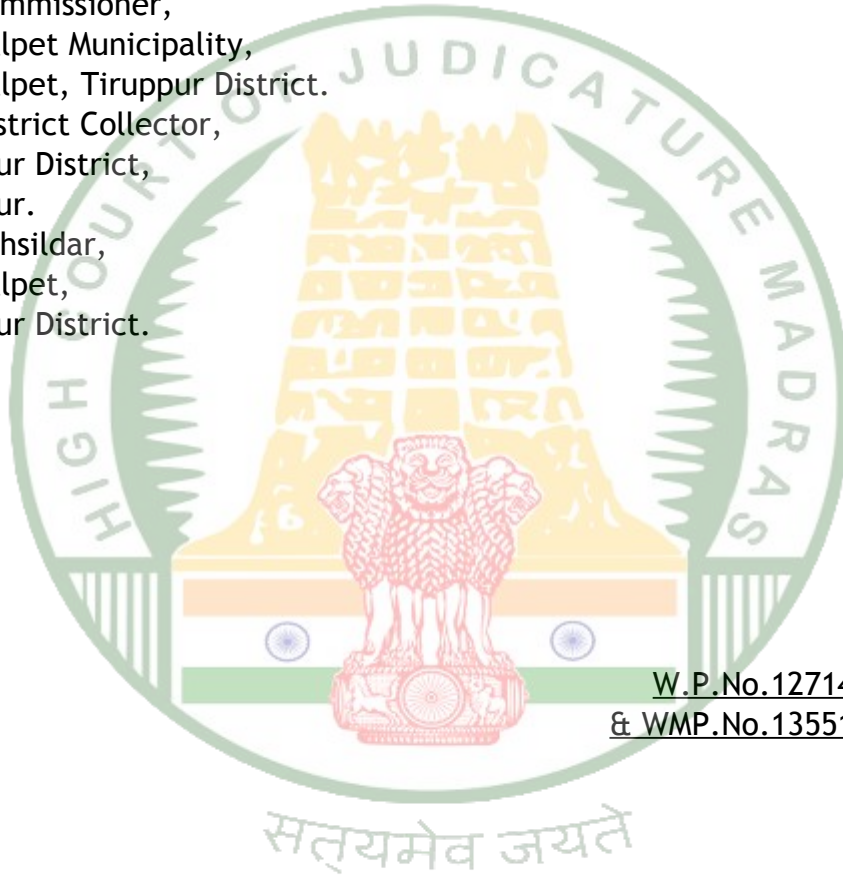


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M.SATHYANARAYANAN, J.,
and N.SESHASAYEE, J.,
pvs

To

1. The Commissioner,
Udumalpet Municipality,
Udumalpet, Tiruppur District.
2. The District Collector,
Tiruppur District,
Tiruppur.
3. The Tahsildar,
Udumalpet,
Tiruppur District.



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