

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.20739 of 2018
and
W.M.P.No.24364 of 2018

M.Venkateswaran

... Petitioner

-vs-

1.The Commissioner,
Department of Town and Country Planning,
No.807, Anna Salai, Chennai-600 002.

2.The District Collector,
Office of the Collectorate,
Cuddalore.

3.The Member Secretary,
Cuddalore Local Planning Authority,
No.6/4, Seenivasa Pillai Street,
Pudhupalayam, Cuddalore.

4.The Commissioner,
Cuddalore Municipality,
Cuddalore.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records pertaining to the impugned order dated 06.08.2018 bearing Ref.No.Na.Ka.No.398/2013 /Ka.Vu.Thi.Ku passed by the third respondent and quash the same.

WEB COPY

For Petitioner :: Mr.AR.L.Sundaresan, Sr.Counsel
for M/s.Ganesh and Ganesh

For Respondents::Mr.P.S.Sivashanmugasundaram,
Spl.GP for R1 to R3

Mr.K.Rajkumar for R4

ORDER
(Made by HULUVADI G.RAMESH, J.)

The petitioner is the partner of M/s.KV Tex Firm. The petitioner, along with other partners, have constructed the superstructure required for the showroom for conducting textile business in T.S.No.1785/2 to the extent of 9120 sq.ft., at No.6, Imperial Road, Cuddalore, after obtaining necessary approvals and permissions. While so, on 06.08.2018, a Lock and Seal Notice was issued by the third respondent, stating that action is proposed to be taken under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, relating to the deviated portion of the said property.

2.Contending that the said notice has been issued without affording any opportunity to the petitioner, the petitioner has come up with this writ petition to set aside the Lock and Seal notice.

3.The learned senior counsel appearing for the petitioner has submitted that the Lock and Seal notice was served without affording any opportunity to the petitioner and further, it is against the provisions of Section 56(1) of the Tamil Nadu Town and Country Planning Act. He further submitted the appellant has preferred an appeal to the first respondent on 05.06.2018 through online submitting the revised drawings and that supporting documents are to be filed for consideration of the authority.

4.The learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel for the fourth respondent/ Cuddalore Municipality, have submitted that the authorities have locked and sealed the premises since there were major deviations of the conditions, but the workers broke open the premises for which a complaint was also preferred before the Thiruppalur Police Station, Cuddalore in Crime No.352 of 2018.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the facts and circumstances of the case, the petitioner is permitted to make representations to the Director of Town and Country Planning and the Secretary to Government, Government of Tamil Nadu, Home Department. On making such representations, the same shall be considered and appropriate orders be passed by the said authorities. Until such orders are passed, the petitioner shall not proceed further to carry on the business.

7.The writ petition is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KM

Note to the Registry: Issue order copy on 17.08.2018.

To

- 1.The Commissioner,
Department of Town and Country Planning,
No.807, Anna Salai, Chennai-600 002.
- 2.The District Collector,
Office of the Collectorate,
Cuddalore.
- 3.The Member Secretary,
Cuddalore Local Planning Authority,
No.6/4, Seenivasa Pillai Street,
Pudhupalayam, Cuddalore.
- 4.The Commissioner,
Cuddalore Municipality,
Cuddalore.
- 5.The Director of Town and Country Planning secretariat,
Chennai.
- 6.6. The secretary to Governemnt Home Department
Secretariat chennai.

+2 C.C. to MR.GANESH&GANESH Advocate SR.NO. 56211
+1 CC TO MR.RAJKUMAR Advocate SR.NO. 55964
+1 CC TO GOVERNMENT PLEADER SR.NO. 56434

WEB COPY

W.P.No.20739 of 2018
and
W.M.P.No.24364 of 2018

ASK(20/08/2018)