

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.Nos.9168 & 9169 of 2018 and  
W.M.P.Nos.10988 & 10990 of 2018

1.K.Sathish

2.Shoba

.. Petitioners in W.P.No.9168/2018

1.K.Sudhakar

2.K.Mohana Sudari

.. Petitioners in W.P.No.9169/2018

Vs.

1.The Commissioner,

St. Thomas Mount Panchayat Union,

Chitlapakkam,

Chennai - 600 064.

2.M/s.Thangam Builders,

A Partnership Firm,

rep by its Partner Sundaresan,

No.3 B, No.1, LB Road, Vantage Plaza,

Adayar, Chennai - 600 020.

... Respondents in both W.Ps

Common Prayer: Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of certiorari to call for the records of the 1<sup>st</sup> respondent's impugned notice Na.Ka.No.16/2017/A4 dated 23.02.2018 and quash the said impugned notice.

For Petitioners: Mr.S.Thirugnanam  
(in both W.Ps)

For Respondents: Mr.S.Kamlesh Kannan,  
(in both W.Ps) Government Advocate (R1)  
R2 - no appearance

C O M M O N    O R D E R  
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioners have filed the above Writ Petitions to issue Writs of certiorari to call for the records of the 1<sup>st</sup> respondent in respect of the notices dated 23.02.2018 and to quash the same.

2. Since the issue involved in both the Writ Petitions are common, the Writ Petitions are disposed of by this common order.

3. By the impugned notices dated 23.02.2018, the 1<sup>st</sup> respondent sought to demolish the unauthorized construction put up by the petitioners contrary to the planning approval. On inspection of the buildings, the 1<sup>st</sup> respondent came to the conclusion that the petitioners have put up the construction violating the planning permission and therefore, sought to demolish the unauthorized construction put up by them. The impugned notices dated 23.02.2018 have been issued by the 1<sup>st</sup> respondent as per the rules of the Tamil Nadu Panchayat Act, 1994.

4. The learned Government Advocate appearing for the 1<sup>st</sup> respondent submitted that the petitioners were issued with notices dated 17.02.2017 under Sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 for locking and sealing and demolition and the petitioners have not challenged the same by filing an appeal under Section 80-A of the Act and therefore, the said notices have become final and the present impugned notices are only a consequential notices and therefore, the petitioners cannot question the correctness of the impugned notices dated 23.02.2018.

5. When the 1<sup>st</sup> respondent had issued locking and sealing and demolition notices dated 17.02.2017 under the Tamil Nadu Town and Country Planning Act, 1971 and the same have become final, the present impugned notices which are consequential in nature, cannot be questioned.

6. The learned counsel appearing for the petitioners also submitted that the petitioners have not challenged the locking and sealing and demolition notices dated 17.02.2017 so far.

7. In view of the submissions made by the learned counsel on either side, we are of the view that unless the locking and sealing and demolition notices are set aside by a Competent Forum, the petitioners cannot question the correctness of the impugned notices dated 23.02.2018. We do not find any error or irregularity in the order passed by the 1<sup>st</sup> respondent. In these circumstances, the Writ Petitions are devoid of merits and the same are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

va

To

1. The Commissioner,  
St. Thomas Mount Panchayat Union,  
Chitlapakkam,  
Chennai - 600 064.

+1 CC to Mr. A.R. Nixon, Advocate sr 55688.

+2 Ccs to Mr. R. Thirugnanam, Advocate sr 55021.

+1 CC to Govt. Pleader sr 55951.

W.P.Nos. 9168 & 9169 of 2018 and  
W.M.P.Nos. 10988 & 10990 of 2018

सत्यमेव जयते

VBA (CO)  
SP (26/07/2019)

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