

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.7250 of 2019

N.Padmavathy

.. Petitioner

Vs

The Commissioner
Attur Municipality
Municipality Office
Attur - 636102
Salem District.

.. Respondent

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent herein to removal of lock and seal affixed at door No.364/745 which is situated in old pattai bazaar street, Attur Taluk, Salem District as per the proceeding dated 05.02.1999 made in Building Approval Ka.V.No./Ka.Na.No.11/ 21/ 99/71 for authorised portion alone based on the petitioner's representation dated 30.01.2019 and reminder representation dated 04.03.2019.

For Petitioner : Mr.A.Rajakumar

For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)

ORDER

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

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondent to remove the lock and seal affixed at door No.364/745 which is situated in old Pattai Bazaar Street, Attur Taluk, Salem District as per the proceeding dated 05.02.1999 for authorised portion alone based on the petitioner's representation dated 30.01.2019 and reminder representation dated 04.03.2019.

2. It is brought to the notice of this Court that a Division Bench of this Court, by order dated 31.10.2018 in W.P.No.24570 of 2018, directed the authorities to take

appropriate action as against the writ petitioner herein, who was the sixth respondent in W.P.No.24570 of 2018, in respect of the illegal construction put up by her in the above referred premises.

3. The learned Government Pleader (i/c.) appearing for the respondent submitted that the remedy open to the petitioner is only to file an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 in respect of the locking and sealing notice issued by the respondent.

4. Admittedly, the petitioner has not challenged the order passed W.P.No.24570 of 2018 and the same has become final. Further, in the counter filed by the respondent, the respondent has stated that the Division Bench of this Court orally directed that the building should be locked and sealed within 24 hours and reported to this Court on the next date of hearing. When the petitioner was a party to the earlier writ petition, she had full knowledge about the oral direction given by the Division Bench on 31.10.2018. In spite of the same, the petitioner chose not to challenge the order passed in the earlier writ petition.

5. In these circumstances, we are not inclined to give any direction as sought for in the present writ petition. However, it is open to the petitioner to file an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act seeking appropriate relief from the revisional authority, i.e., the Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai - 600 009.

With these observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

sasi

To:

The Commissioner
Attur Municipality
Municipality Office
Attur - 636102
Salem District.

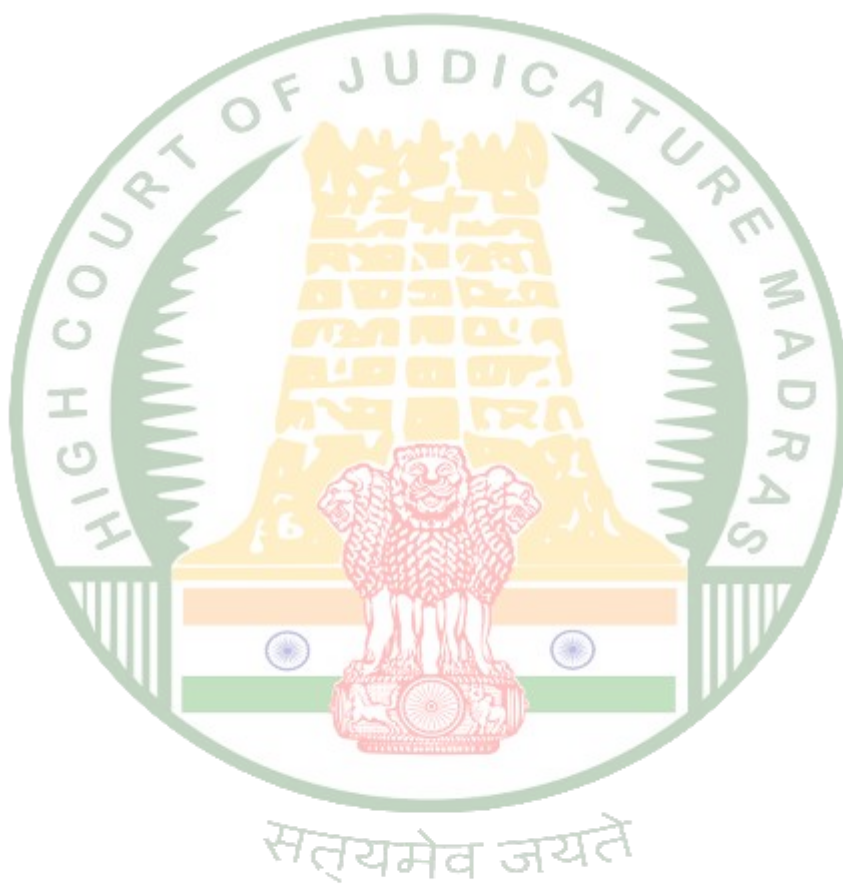
+1 cc to Mr.A.Rajakumar, Advocate Sr.No.42477

+1 cc to Mr.V.Jayaprakash Narayanan, Advocate Sr.No. 42461

W.P.No.7250 of 2019

RJI (CO)

MP (24/05/2019)



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