

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.11148 of 2017 and
W.M.P.Nos.12078 & 12116 of 2017

J.Babulal Jain .. Petitioner
Vs.

- 1.The State of Tamil Nadu
rep by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Secretariat, Chennai - 600 009.
- 2.The Director,
Town and Country Planning Department,
No.807, Anna Salai, Chennai - 600 002.
- 3.The Member Secretary,
Local Planning Authority, Coimbatore. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified mandamus calling for the records relating to the proceedings dated 21.11.2016 in Letter No.19254/NV 4(1)/2016-3 of the 1st respondent and the proceedings dated 12.01.2017 in Letter Na.Ka.No.18105/ 2016/PA1 of the 2nd respondent and quash the same and consequently, direct the respondents to forthwith remove the lock and seal put up in the rest rooms and office rooms of the petitioner situate in T.S.No.3431B, 2A and 339/4B, 164/2C, 164/3B1C, Teethipalayam Village, Kovai-Siruvani Road, Thondamuthur, Coimbatore District.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mr.AR.Karthik Lakshmanan

For Respondents: Mr.S.Kamalesh Kannan,
Government Advocate

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

The petitioner has filed the above Writ Petition to issue a Writ of certiorarified mandamus to call for the records relating to the proceedings of the 1st respondent dated 21.11.2016 and the proceedings of the 2nd respondent dated 12.01.2017 and to quash the same and consequently, to direct the respondents to forthwith remove the lock and seal put up in the rest rooms and office rooms of the petitioner situate in T.S.No.3431B, 2A and 339/4B, 164/2C, 164/3B1C, Teethipalayam Village, Kovai-Siruvani Road, Thondamuthur, Coimbatore District.

2.It is the case of the petitioner that the respondents have locked and sealed the premises for putting up unauthorized construction without getting planning permission from the Planning Authority. The petitioner requested the authorities to de-seal and unlock the premises, however, the respondents rejected the request made by the petitioner. The petitioner has challenged the proceedings of the respondents 1 & 2 in this Writ Petition.

3.When the Writ Petition came up for hearing, Mr.AR.L.Sundaresan, learned senior counsel appearing for the petitioner submitted that the petitioner is running an Amusement Park under the name and style of "Kovai Kondattam". Further, the learned senior counsel submitted that the petitioner had also filed a statutory appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act as against the notice issued for locking and sealing. Further, the learned senior counsel submitted that the property has been kept under lock and seal for nearly three years and that the equipments and materials inside the premises are getting worn out since they are not put to use. In these circumstances, the learned senior counsel submitted that the respondents may be directed to de-seal the subject property for a period of six weeks for the purpose of removing the equipments and materials from the premises.

4.Mr.S.Kamalesh Kannan, learned Government Advocate appearing for the respondents has no objection for granting six weeks time to the petitioner to remove the equipments and materials from the premises.

5.The petitioner has also filed an affidavit of undertaking dated 11.08.2019 wherein he has given an undertaking to the effect that he would remove the equipments and materials from the premises within a period

of six weeks and that he would not put the subject property to use for any other means during the said six weeks time.

6.The affidavit of undertaking dated 11.08.2019 filed by the petitioner is taken on record and in view of the same, we grant six weeks time to the petitioner to remove the equipments and materials from the premises. We also make it clear that the petitioner shall not put the subject property to use for any other means during the said six weeks time.

7.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu
Housing and Urban Development Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Director,
Town and Country Planning Department,
No.807, Anna Salai,
Chennai - 600 002.

3.The Member Secretary,
Local Planning Authority,
Coimbatore.

+1cc to M/s.Al.Gandhi mathi , Advocate SR.No. 69131

+1 cc to Government Pleader Sr.No. 69344

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