



WEB COPY

W.P.(MD)No.16872 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.16872 of 2020

and

W.M.P.(MD)No.14105 of 2020

A.Cleatus ... Petitioner

Vs.

1.The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai-2.

2.The District Collector,
Tirunelveli,
Tirunelveli District.

3.The Member Secretary,
Local Planning Authority,
Nagercoil,
Kanyakumari District.

4.The Commissioner,
Nagercoil Municipality,
Kanyakumari District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the fourth respondent pertaining to its order bearing Ka.Ve.No.82/1995/F2, dated 09.10.2019 and to quash the same and consequently direct the respondents to consider the request of the petitioner dated 03.10.2019 for regularizing the building within a stipulated time as fixed by this Court.

For Petitioner	:	Mr.S.C.Herold Singh
For Respondents	:	Mr.M.Muthu Geethaiyan Special Government Pleader for R.1 to R.3
	:	Mr.Athimoolapandian for R.4

ORDER

(Order of the Court was made by N.KIRUBAKARAN,J)

The petitioner has challenged the lock and seal order passed by the fourth respondent, dated 09.10.2019, in and by which, the



building put up by the petitioner has been sealed.

2. The petitioner has obtained an approval for putting up ground floor, however, he made constructions upto four floors and therefore, after inspection, lock and seal order has been passed and the said order has been challenged before this Court.

3. Heard Mr.S.C.Herold Singh, learned Counsel appearing for the petitioner, Mr.M.Muthu Geethaiyan, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.Athimoolapandian, learned Counsel for the fourth respondent.

4. Admittedly, the construction put up by the petitioner is an unauthorised construction as he has got approval only to put up ground floor.

5. As admitted by both the parties, it is the unauthorised construction put up beyond the ground floor and therefore, the fourth respondent has rightly passed the lock and seal order. Therefore, the Writ Petition lacks of merit. However, this order will not prevent the petitioner from challenging the order passed by the fourth respondent by filing an appeal under Section 80 of the Town and Country Planning Act before the Government. If such an appeal is filed before the Government, the Authority concerned shall entertain the appeal filed by the petitioner and dispose of the same within a period of three months from the date of filing of the appeal.

7. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

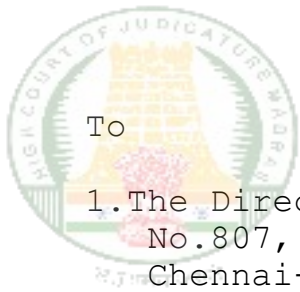
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Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Director of Town and Country Planning,
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Chennai-2.

2.The District Collector,
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Kanyakumari District.

4.The Commissioner,
Nagercoil Municipality,
Kanyakumari District.

+1 CC to M/s.SP1 GP (SR-23356[F] dated 30/11/2020)

W.P. (MD) No.16872 of 2020
and
W.M.P. (MD) No.14105 of 2020
27.11.2020

VR (CO)
KB (07.12.2020) 3P 6C