



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P. No. 25455 of 2021

V.Nandakumar

...Petitioner

-vs-

1. State of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Collectorate, Coimbatore.
3. The Director,
Directorate of Town and Country Planning,
Anna Salai, Chennai - 600 002.
4. The Commissioner-cum-Member Secretary,
Pollachi Municipality,
Pollachi.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the Fourth Respondent in A.Pe.Ka.En.No.7/2021-1 dated 08.03.2021 and to quash the same and direct the First to Fourth Respondents to de-seal the residential premises of the Petitioner situated at 30/33, Nehru Street, Mahalingapuram, Pollachi within the time as stipulated by this Court.

For Petitioner : Mr. N.Nanmaran

For Respondents: Mr. K.V.Sanjeev Kumar,
Special Government Pleader
(for R1 to R3)

Mr. B.Anand, Standing Counsel
(for R4)



O R D E R
(through video conference)

Heard Mr. N.Namaram, Learned Counsel for the Petitioner, Mr. K.V.Sajeev Kumar, Learned Special Government Pleader, who takes notice for the First to Third Respondents and Mr. B.Anand, Learned Standing Counsel, who takes notice for the Fourth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2.The Writ Petition challenges the Order in A.Pe.Ka. No. 7/2021/G3 dated 08.03.2021 passed by the Fourth Respondent for 'lock and seal' of the unauthorizedly constructed building of the Petitioner in the premises at A-30/33, Nehru Street, Mahalingapuram, Pollachi and for consequential direction to de-seal it.

3.Learned Standing Counsel for the Fourth Respondent has brought to the notice of the Court that after the passing of the impugned order on 08.03.2021, the aforesaid premises was put under 'lock and seal' on 30.04.2021. It has been further stated that though the Petitioner had submitted a plan for approval, it was rejected as it did not satisfy the prescribed rules for approval. It is also highlighted that no appeal has been preferred by him within the stipulated period under the relevant statutory provisions, meaning thereby that the sealing of the premises as unauthorized construction has attained finality and it is not possible to de-seal the same.

4.Considering the rival submissions made, this Court does not find any infirmity in the impugned Order in A.Pe.Ka.No. 7/2021/G3 dated 08.03.2021 passed by the Fourth Respondent and that since the plan submitted by the Petitioner thereafter did not satisfy the conditions for approval, the same has been rejected, which has become final. In such circumstances, the question of de-sealing the premises as sought by the Petitioner does not arise for any consideration.

In fine, the Writ Petition, which lacks merits, is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pvs/skr



To

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

2. The District Collector,
Collectorate,
Coimbatore.

3. The Director,
Directorate of Town and Country Planning,
Anna Salai,
Chennai - 600 002.

4. The Commissioner-cum-Member Secretary,
Pollachi Municipality,
Pollachi.

+1cc to Mr.A.S.Thambuswamy, Advocate, S.R.No.65781

+1cc to the Government Pleader, S.R.No.66154

W.P. No. 25455 of 2021

MT(CO)
RGA(18/03/2022)