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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**W.P(MD)NO.16145 OF 2021
and
W.M.P(MD)No.13005 of 2021**

P.S.T.Nagarajan

:Petitioner

.vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Commissioner,
Thanjavur Corporation,
Thanjavur.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order of the second respondent herein in Na.Ka.No.9583/2021/MCF3, dated 13.08.2021 and to quash the same.

For Petitioner :Mr.R.Vijayakumar
For Respondent-1 :Mr.P.Thilakkumar
Government Pleader
For Respondent-2 :Mr.N.Dilip Kumar

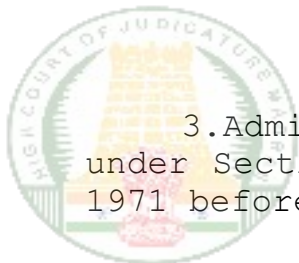
O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorari calling for the records pertaining to the impugned order of the second respondent herein in Na.Ka.No.9583/2021/MCF3, dated 13.08.2021 and to quash the same.

2.The second respondent issued a notice under Section 56(2-A) of the Tamil Nadu Town and Country Planning Act, 1971 for locking and sealing the building bearing Door No.1469/P, Gandhiji Road, No.27, Thanjavur.

<https://hlservices.mca.gov.in/Services/>



3. Admittedly, the Petitioner has got a remedy by way of appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the State Government.

4. Mr. R. Vijayakumar, learned counsel appearing for the Petitioner submitted that the Petitioner would file an appeal before the State Government challenging the impugned order, dated 13.8.2021 and for a period of two weeks, the second respondent may be directed not to lock and seal the premises in question.

5. Admittedly, the second respondent has not locked and sealed the premises till today. As per Section 80-A, every application to the Government for the exercise of the powers under the Section shall be preferred within 30 days from the date of sealing. In the case on hand, the second respondent has not sealed the premises yet.

6. In these circumstances, it is open to the Petitioner to file an appeal under Section 80-A of the Act challenging the impugned order passed by the second respondent, dated 20.8.2021. The second respondent is directed not to precipitate the matter for a period of two weeks. However, we make it clear that the second respondent is at liberty to pass final orders in the matter, as expeditiously as possible.

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

Sd/-

Assistant Registrar (CS-II)

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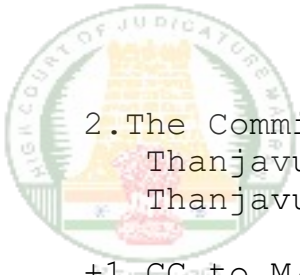
Sub Assistant Registrar (CS)

vsn

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 District Collector,
Thanjavur District,
Thanjavur.



2.The Commissioner,
Thanjavur Corporation,
Thanjavur.

+1 CC to M/s.SPL GP (SR-28676[F] dated 09/09/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-28628[F] dated 08/09/2021)

W.P (MD) NO.16145 OF 2021
and

W.M.P (MD) No.13005 of 2021
08.09.2021

SRR (CO)
KB (17.09.2021) 3P 5C