



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)Nos.16479, 16480, 16481 of 2021

and

W.M.P(MD) Nos.13356, 13357, 13359 of 2021

1.W.P(MD)No.16479 of 2021:-

R.K.Nagarajan

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Trichy Road,
Thanjavur.

2.The Commissioner,
Thanjavur City Municipal
Corporation, Thanjavur.

... Respondents

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

For Petitioner

: Mr.M.Ajmal Khan
Senior Counsel

For R - 1

: Mr.P.Thilak Kumar
Government Pleader

For R - 2

: Mr.N.Dilip Kumar

2.W.P(MD)No.16480 of 2021:-

Kalifullah

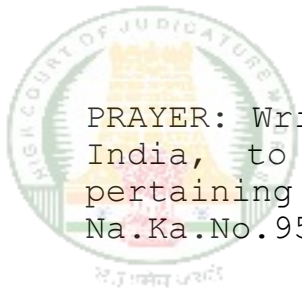
... Petitioner

Vs.

1.The District Collector,
Collectorate,Trichy Road, Thanjavur.

2.The Commissioner,
Thanjavur City Municipal
Corporation, Thanjavur.

... Respondents



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

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel

For R - 1 : Mr.P.Thilak Kumar
Government Pleader

For R - 2 : Mr.N.Dilip Kumar

3.W.P(MD)No.16481 of 2021:-

Rambabu ... Petitioner

Vs.

1.The District Collector,
Collectorate,
Trichy Road,
Thanjavur.

2.The Commissioner,
Thanjavur City Municipal
Corporation, Thanjavur.

... Respondents

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

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel

For R - 1 : Mr.P.Thilak Kumar
Government Pleader

For R - 2 : Mr.N.Dilip Kumar

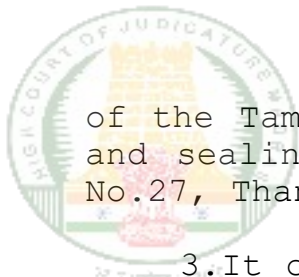
COMMON ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioners have filed the above Writ Petitions to issue Writs of Certiorari, to call for the records pertaining to the impugned notices issued by the second respondent dated 13.08.2021 and to quash the same.

2.The second respondent issued the notices under Section 56(2A)

<https://hcservices.ecourts.gov.in/hcservices/>



of the Tamil Nadu Town and Country Planning Act, 1971, for locking and sealing the building bearing Door No.1469/P, Ward No.3, Block No.27, Thanjavur.

3.It cannot be disputed that the petitioners have got remedy by way of appeals under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, challenging the impugned notices issued under Section 56(2A) of the Act before the State Government.

4.Mr.M.Ajmal Khan, learned Senior Counsel appearing for the petitioners submitted that the petitioners would file appeals before the State Government challenging the impugned orders dated 13.08.2021 within a period of two weeks and the second respondent may be directed not to lock and seal the premises till such time.

5.Mr.N.Dilip Kumar, learned Standing Counsel appearing for the second respondent submitted that the second respondent has not locked and sealed the premises of the petitioners, as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971, till today.

6.As per Section 80-A of the Act, 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 impugned orders were passed on 13.08.2021. In these circumstances, we give liberty to the petitioners to file appeals before the Appellate Authority under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, challenging the impugned orders passed by the second respondent dated 13.08.2021, within a period of two weeks from the date of receipt of a copy of this order. On filing such appeals, the Appellate Authority is directed to pass orders in the stay petitions to be filed by the petitioners, as expeditiously as possible, in any event not later than two weeks from the date of filing of the stay petitions. The second respondent is directed not to precipitate the matter for a period of two weeks.

7.With these observations, the Writ Petitions stand disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

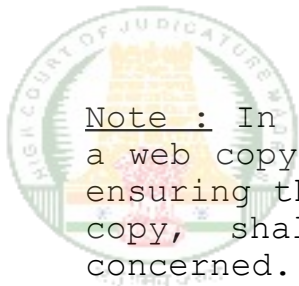
Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



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.

WEB COPY

To
1.The District Collector,
Collectorate,
Trichy Road,
Thanjavur.

2.The Commissioner,
Thanjavur City Municipal
Corporation, Thanjavur.

+3 CC to M/s.P.VADIVEL, Advocate (SR-29061,SR-29062,SR-29063[F]
dated 15/09/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-29154[F] dated 15/09/2021)

+1 CC to M/s.SPL. GP (SR-29131[F] dated 15/09/2021)

W.P (MD) Nos.16479, 16480, 16481 of 2021
14.09.2021

RD(15.09.2021) 4P 8C