



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

W.P.(MD)Nos.18050, 18057, 18058 and 18060 to 18062 of 2019
and

W.M.P.(MD)Nos.14489, 14490, 14491, 14495, 14496, 14498, 14497,
14499, 14500, 14502, 14503, 14505, 14506, 14507, 14509, 14508, 14510
and
14512 of 2019

N.Nagammal	... Petitioner in W.P.(MD)No.18050/2019
M.Murugan @ Sudailaiyandi Chettiyar	... Petitioner in W.P.(MD)No.18057/2019
Ulagammal, W/o.Siva Gurunathan	... Petitioner in W.P.(MD)No.18058/2019 and W.P.(MD)No.18060/2019
G.Muthukumar	... Petitioner in W.P.(MD)No.18061/2019
J.Velayutham Pillai	... Petitioner in W.P.(MD)No.18062/2019

Vs.

- 1.The Director,
Department of Town and Country Planning,
Anna Salai,
Chennai.
- 2.The Nagercoil Local Planning Authority,
Rep. by its Member Secretary (District Collector),
Collectorate,
Nagarcoil,
Kanniyakumari District.
- 3.The Nagercoil Corporation,
Rep. through its Commissioner/Special Officer,
Nagercoil,
Kanniyakumari District.
- 4.Kottar Chettur Nainar Desika Vinayagar Dhevasthanam Trust,
Through its Trustee,
Kottar, Nagercoil,
Kanniyakumari District. ... Respondents in all the W.Ps.

Prayer in all the W.Ps.:- Writ Petitions filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, calling for the records of the impugned order passed by the third respondent herein in Form-II in Na.Ka.No.009300/2015/F3, dated 02.05.2019 (Lock and Seal notice) and consequential demolition



notice in Na.Ka.No.009300/2015/F3, dated 08.08.2019 and quash the same as illegal.

For Petitioner : Mr.R.Murugan[in all WPs]

For R1 and R2 : Mr.K.P.Krishnadoss
Special Government Pleader
[in all WPs]

For R4 : Ms.J.Anandhavalli [in all WPs]

COMMON ORDER

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

In all these cases, the lock and seal orders are put into challenge. As submitted by the learned Special Government Pleader appearing for respondent Nos.1 and 2, there is an alternative remedy under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the Government. This Court at the time of entertaining the Writ Petitions, passed the following order:-

'2.It is stated by the learned counsel for the petitioner that the subject matter constructions are put up long ago and the petitioners are residing therein all along for nearly 60 years. Therefore, he submitted that the impugned action suddenly taken by the respondent Municipality causes great hardship and agony. He further submitted that the Municipality is contemplated to demolish the superstructure at any moment.

3.Considering the above stated facts and circumstances and further considering the fact that already the premises are put under lock and seal, the Municipality is directed not to proceed further with demolition until further orders from this Court.'

2.In such view of the matter, these writ petitions stand disposed of, giving liberty to the petitioners to file appeal within a period of six weeks from the date of receipt of a copy of this order. Till such time, the interim order granted will continue. It is made clear that the petitioners can also seek appropriate interim orders before the appellate authority. No costs. Consequently, connected Miscellaneous Petitions are closed.

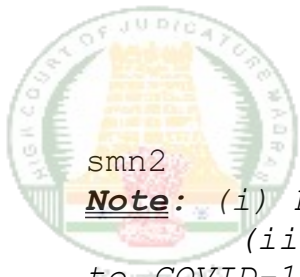
Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



smn2

Note: (i) Registry is directed
(ii) 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,
Department of Town and Country Planning,
Anna Salai,
Chennai.
- 2.The Member Secretary (District Collector),
Nagercoil Local Planning Authority,
Collectorate,
Nagarcoil,
Kanniyakumari District.
- 3.The Commissioner/Special Officer,
Nagercoil Corporation,
Nagercoil,
Kanniyakumari District.

4. The Section Officer, E.R. Section,
Madurai Bench of Madras High Court, Madurai.
(to return the original impugned orders to the learned counsel appearing for the petitioner after substituting attesting copies of the same and also obtaining necessary endorsement from the counsel on record.)

+1 CC to M/s.SPL GP (SR-13571[F] dated 25/03/2021)

+6 CC to M/s.R.MURUGAN, Advocate (SR-13519[F] dated 25/03/2021)

+6 CC to M/s.J.ANANDHAVALLI, Advocate (SR-13503 to 13508[F] dated 25/03/2021)

Common order in
W.P. (MD) Nos.18050, 18057, 18058 and 18060 to 18062 of 2019
24.03.2021

sss(CO)

TR(17.05.2021) 3P 18C