



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) Nos.19560 & 18499 of 2020

and

W.M.P. (MD) Nos.15477, 15478, 16289 & 16291 of 2020

W.P. (MD) No.19560 of 2020:

Jeyachithra

: Petitioner

Vs.

1.The Director of Town and Country Planning,
807, Annasalai,
Chennai - 600 002.

2.The Commissioner,
Palani Municipality,
Palani,
Dindigul District.

3.The Member Secretary / Commissioner,
Town Planning Authority,
Palani Municipality,
Palani,
Dindigul District.

4.K.P.Chandrasekaran

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.1714/2019/F1 dated 11.12.2020 and quash the same as illegal and further directing the respondents 1 to 3 to grant building plan approval for the shops situated at No.12-B, Parvathi Illam, Shanmugapuram, Palani - 2, Dindigul District.

For Petitioner

: Mr.G.Prabhu Rajadurai
for Mr.R.Maheswaran



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For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader
for R.1 & R.3

M/S.L.P.Mouriya,
Standing Counsel
for R.2

Mr.K.P.Chandrasekaran
Party-In-Person / R.4

W.P. (MD) No.18499 of 2020:

K.P.Chandrasekaran : Petitioner

Vs.

1.The Commissioner,
Palani Municipality,
Palani,
Dindigul District.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Railway Feeder Road,
Palani,
Dindigul - 624 601.

3.The Executive Engineer,
Water Supply Department,
Palani Municipality, Palani.

4.Chitra

5.Harish
(Legal heirs of Kannan) : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 1st respondent to take necessary action (lock and seal) and remove the unauthorized constructions against the illegal construction done by respondents 4 & 5 situated at No.12-B, Parvathy Illam, Shanmugapuram, Palani - 2.

For Petitioner : Mr.K.P.Chandrasekaran
(Party-In-Person)

For Respondents : M/S.L.P.Mouriya ,
Standing Counsel for R.1



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Mrs. S. Srimathy,
Standing Counsel for R.2

Mr. K. Mu. Muthu,
Additional Government Pleader
for R.3

COMMON ORDER

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

As both the writ petitions are interlinked, they have been taken up for hearing together and are disposed of by way of this common order.

2. W.P.(MD)No.19560 of 2020 has been filed by the petitioner aggrieved over the lock and seal notice issued under Section 56 & 57 of the Tamil Nadu Town and Country Planning Act. W.P.(MD)No.18499 of 2020 has been filed by the petitioner seeking a writ of mandamus directing the Commissioner, Palani Municipality, to take necessary action to put the premises under lock and seal.

3. Inasmuch as an order of lock and seal has been passed, the writ petition in W.P.(MD)No.18499 of 2020 has become infructuous and the same is accordingly, dismissed as having become infructuous.

4. Though the learned Counsel appearing for the petitioner in W.P.(MD)No.19560 of 2020 has made submissions on merits, including the possible lack of jurisdiction, on a factual premise, we are not inclined to go into the same, as the order impugned is appealable before the Government.

5. In such view of the matter, we permit the petitioner in W.P. (MD)No.19560 of 2020 to file a statutory appeal before the Government, namely, the Secretary to Government, Housing and Urban Development Department, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the said authority will have to dispose of the same within a further period of eight weeks thereafter.

6. Inasmuch as action was taken in pursuant to the complaint made by the petitioner in W.P.(MD)No.18499 of 2020, the petitioner in W.P.(MD)No.19560 of 2020 will have to implead the petitioner in W.P.(MD)No.18499 of 2020 as a party respondent in the proposed appeal. Therefore, any order to be passed by the Government can only be made, after hearing the petitioner in W.P.(MD)No.18499 of 2020 also.

7. With the above direction, W.P.(MD)No.19560 of 2020 stands disposed of. There shall be no order as to costs, in respect of both



the writ petitions. Consequently, all the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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/ /2021
Sub Assistant Registrar(CS)

gk

To

- 1.The Director of Town and Country Planning,
807, Annasalai,
Chennai - 600 002.
- 2.The Member Secretary / Commissioner,
Town Planning Authority,
Palani Municipality,
Palani, Dindigul District.
- 3.The Executive Engineer,
Water Supply Department,
Palani Municipality, Palani.

Copy to:

The Secretary to Government,
Urban and Housing Development Department,
Fort St.George, Secretariat,
Chennai - 600 009.

+1 CC to M/s.GP (SR-2785[F] dated 02/02/2021)

+1 CC to M/s.L.P.MAURYA, Advocate (SR-3005[F] dated 03/02/2021)

W.P. (MD) Nos.19560 & 18499 of 2020
01.02.2021

mj (CO)

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