



WEB COPY



W.P.No.33989 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.33989 of 2022
and W.M.P.No.33465 of 2022

1.Venkataraman

2.Rajam

3.Silambarasan

.. Petitioners

Vs.

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

2.The Assistant Director (Engineer)
Town and Country Planning
Dharmapuri District.

3.Block Development Officer
Harur, Dharmapuri District.

4.The President
Harur Thottampatti Panchayat
Harur Taluk
Dharmapuri District.

.. Respondents



W.P.No.33989 of 2022

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to consider and dispose the appeal filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1973 dated 08.12.2022 filed by the petitioners and as consequently forbear the respondents 2 to 4 or any one on their behalf from initiating any coercive action of lock and seal or De-occupation with regard to the petitioners' property at S.No.3/1A1D2 situated at Patchinampatty Village, H.Doddampatty Panchayat, Harur Taluk, Dharmapuri District.

For Petitioners : Mr.D.Selvam
for Ms.Reshmi Christy
For R1 & R2 : Mr.P.Gurunathan
Additional Govt. Pleader
For R3 & R4 : Mr.S.Prabhakaran
Government Advocate

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

Writ Petition is filed for a direction to the 1st respondent to consider and dispose of the appeal filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1973 dated 08.12.2022 filed by the petitioners and as consequently, forbearing the respondents 2 to 4 or any



W.P.No.33989 of 2022

one on their behalf from initiating any coercive action of lock and seal or De-occupation with regard to the petitioners' property situated at S.No.3/1A1D2, Patchinampatty Village, H.Doddampatty Panchayat, Harur Taluk, Dharmapuri District.

2.Heard the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader appearing for the respondents 1 & 2 and the learned Government Advocate appearing for the respondents 3 & 4 and perused the entire materials on record.

3.According to the petitioners, they are the owners of the property situated at S.No.3/1A1D2, Patchinampatty Village, H.Doddampatty Panchayat, Harur Taluk, Dharmapuri District. They have obtained planning permission for construction of a marriage hall from the Village Panchayat and subsequently, started construction of marriage hall. Thereafter, they have approached the 2nd respondent and applied for getting approval for extension of construction area. In the meanwhile, the 3rd respondent cancelled the planning permission granted to the petitioners without giving any opportunity or issuing notice and insisted them to stop further construction. Though the petitioners have again



W.P.No.33989 of 2022

submitted plan for approval to the 2nd respondent along with necessary documents, the 2nd respondent without considering the same, issued lock and seal notice on 04.11.2022 and granted 30 days time to them to restore the building. The petitioners have filed appeal to the 1st respondent under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, on 08.12.2022. In spite of the said appeal, the respondents 2 to 4 are trying to lock and seal the building and hence, the petitioners have come out with the present writ petition for the above stated relief.

4.Learned counsel appearing for the petitioners submitted that pending writ petition and pending appeal under Section 80A of the Town and Country Planning Act, the Deputy Director/Assistant Director (Incharge), the 2nd respondent on 12.12.2022, passed an order locking and sealing of the building in question.

5.Considering the submissions of the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader appearing for the respondents 1 & 2 and the learned Government Advocate appearing for the respondents 3 & 4, the 1st respondent is directed to dispose of the appeal filed by the petitioners under Section



W.P.No.33989 of 2022

80A of the Tamil Nadu Town and Country Planning Act, dated 08.12.2022, as expeditiously as possible. In the meanwhile, the 2nd respondent is directed to remove the lock and seal put up by them. Till the disposal of the appeal by the 1st respondent, the respondents 2 to 4 are restrained from taking any coercive steps against the petitioners.

6. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

(V.M.V., J) (R.H., J)
23.12.2022
(2/2)

Index : Yes / No
Internet : Yes / No
kj

To

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

2. The Assistant Director (Engineer)
Town and Country Planning
Dharmapuri District.



W.P.No.33989 of 2022

**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

Kj

3.Block Development Officer
Harur, Dharmapuri District.

4.The President
Harur Thottampatti Panchayat
Harur Taluk
Dharmapuri District.

Writ Petition No.33989 of 2022
and W.M.P.No.33465 of 2022

23.12.2022
(2/2)