



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) No.9355 of 2022

and

W.M.P. (MD) No.6717 of 2022

S.Raju

... Petitioner

-vs-

1.Government of Tamil Nadu,
Rep., by its Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai-600 009.

2.Tirunelveli Corporation,
Rep., by its Commissioner,
Tirunelveli District.

3.Tirunelveli Town Planning Authority,
Rep., by its Member Secretary/Deputy Director,
Office of District Town Planning, Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the second and third respondents from in anyway interfering with the petitioner's building at M/s. Krishna Hospital situated at Plot No.4, New No. 20/5, North High Ground Road, Palayamkotttai, Tirunelveli - 627 002 particularly by way of locking and sealing of the same pending final determination of the Special Revision Petition dated 27.04.2022 under Section 80(A) of the Town and Country Planning Act, 1971 by the first respondent.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

O R D E R

[Order of the Court was made by T.RAJA, J.]

The prayer in this writ petition is to forbear respondents 2 and 3 from in anyway interfering with the petitioner's possession of the building situated at Plot No.4, New No. 20/5, North High Ground Road, Palayamkotttai, Tirunelveli-627 002.



2. The learned counsel for the petitioner would submit that petitioner being the owner of the subject property has obtained planning permission for construction of a marriage hall from the third respondent vide planning permit dated 17.12.1996 and completed the construction as early as in the year 1997. Thereafter, in order to convert the usage of the marriage hall into a nursing home, the petitioner submitted a proposal to the third respondent under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity "the Act") and it was also recommended by the second respondent to be approved by the third respondent with some conditions. Accordingly, vide planning permit dated 12.07.2016 and building permit dated 22.07.2016, the third respondent granted permission to the petitioner. Ever since the date of permit, the petitioner is using the building as nursing home. However, the second respondent issued a lock and seal notice dated 15.12.2021 directing the petitioner to lock and seal the hospital premises. Immediately, the petitioner submitted his objection. Despite the same, the 3rd respondent again issued the lock and seal notice dated 25.04.2022 under Sections 56 and 57 of the Act. Challenging the same, the petitioner filed a Special Revision Petition dated 27.04.2022 under Section 80(A) of the Act before the first respondent. However, taking advantage of the pendency of the special revision petition, the third respondent tries to enforce the lock and seal notice.

3. This Court is of the view that in spite of obtaining necessary planning permission from the third respondent to convert the usage of marriage hall into a nursing home, the petitioner has been wrongly issued with the lock and seal notice by the third respondent. Therefore, the 1st respondent is directed to consider the Special Revision Petition filed by the petitioner on 27.04.2022 and pass orders on merits and in accordance with law, after hearing the parties, within a period of three months from the date of receipt of a copy of this order. Till then, the respondents shall maintain *status quo* prevailing as on date.

4. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk / abr



To:

1.The Secretary to Government,
The Government of Tamil Nadu,
Housing & Urban Development Department,
Fort St. George, Chennai-600 009.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli District.

3.The Member Secretary/Deputy Director,
Tirunelveli Town Planning Authority,
Office of District Town Planning, Tirunelveli.

+1 CC to M/s.D.S. RAJASEKARAN, Advocate (SR-23461[F] dated
05/05/2022)

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and

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MGJ(13.05.2022) 3P 5C