



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10487 of 2022

and

W.M.P(MD)Nos.7592 and 7593 of 2022

B.Navaneetha Krishnan,
represented by his power of Attorney,
S.Navaneethan.

: Petitioner

vs.

The Member Secretary,
Theni Town Planning Authority,
Allinagaram, Theni,
Theni District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records relating to the impugned proceedings of the respondent in Ka.V.No.144/2015/F-1, dated 20.01.2022 and consequential impugned order in Ka.V.No.144/2015/F-1, dated 20.04.2022 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

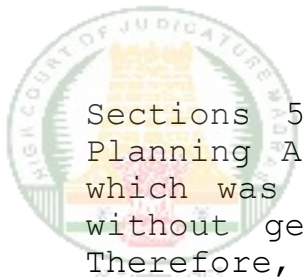
For R1 : Mr.S.Shaji Bino,
Special Government Pleader

O R D E R

[Order of the Court was made by **R. SURESH KUMAR, J.**]

This Writ Petition has been filed in the nature of Certiorari, seeking to quash the impugned proceedings of the respondent in Ka.V. No.144/2015/F-1, dated 20.01.2022 and the consequential impugned order in Ka.V.No.144/2015/F-1, dated 20.04.2022.

2.The petitioner seems to have obtained a planning permission for construction from the respondent i.e., Theni Town Planning Authority, as early as on 11.11.2015. Pursuant to which, he claimed that he has completed the construction that is put in use. When that being so, the respondent, on 20.01.2022, issued a notice under



Sections 56, 57, 85 and 88 of the Tamil Nadu Town and Country Planning Act, under which, it has been stated that the building, which was constructed by the petitioner appears to have been made without getting plan approval or in violation of plan approval. Therefore, in this regard, the petitioner was directed to produce the building plan approval issued by the respondent/local authority, otherwise, it would be construed that the petitioner has constructed the building without proper planning permission. In response to the same, the petitioner has not yet responded, by producing a copy of the building plan approval obtained from the respondent, dated 11.11.2015, which made the respondent to issue a further notice, under which, the same directive was issued by the respondent to the petitioner to produce the planning permission within a week, otherwise, further action would be taken to lock and seal the premises of the petitioner.

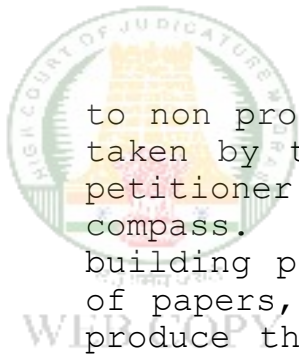
3.Challenging the said orders, the present writ petition has been filed.

4.Mr.M.Mahaboob Athiff, learned Counsel appearing for the petitioner has contended that, though the petitioner is ready and willing to produce a copy of the planning permission obtained by him in the year 2015 to the respondent for perusal, when such an attempt has been made, that has not been accepted by the respondent. Moreover, as per the provisions quoted in the impugned orders, some reasonable time of 30 days must be given before taking any stringent action of lock and seal and without following any such procedure, the respondent has passed the impugned orders. Hence, the petitioner is constrained to file the present Writ Petition.

5.However, Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondent, on instructions, would submit that despite two notices issued in this regard by the respondent on 20.01.2022 as well as on 20.04.2022, no reply had been made by the petitioner and the building plan approval document has not been produced by the petitioner to the respondent office. Therefore, the respondent having no other option, proceeded to issue lock and seal notice, dated 19.05.2022. The copy of the said notice, dated 19.05.2022 has also been produced before this Court.

6.We have considered the said submission made by the learned counsel on either side and perused the materials placed on record.

7.Insofar as the case of the petitioner is concerned, the learned counsel appearing for the petitioner vehemently contended that the petitioner is having the plan approval given by the local planning authority in the year 2015, pursuant to which, the construction has been made. Therefore, at any time, the same can be produced by the petitioner before the respondent. However, the learned counsel for the petitioner would submit that when such an attempt has been made, that has not been properly responded by the respondent/local authority. According to the counsel for the respondent, the delay was caused on the part of the petitioner due



to non production of the plan approval. Though this stand has been taken by the respondent, the same has been stoutly denied by the petitioner. Now, the entire controversy lies in a very narrow compass. In this regard, if at all, the petitioner is having a building plan approval and the same has been kept in the typed set of papers, there can be no further impediment to the petitioner to produce the same before the respondent. Hence, considering these aspects, this Court is inclined to dispose of the writ petition with the following orders:

8.The petitioner is directed to produce the copy of the building plan approval, dated 11.11.2015, to the respondent office on 30.05.2022, without fail. On that date, if the petitioner or his representative comes to the office of the respondent for production of the planning permission, the respondent or any responsible officer of the respondent office shall receive and verify the same. After verification, if still the respondent feels that there is any violation on the part of the petitioner, the same can be carefully considered and in this regard, whatever action the respondent wants to take in accordance with the provisions of the Act, the same can be taken and in this regard, the action should be emanated afresh from that stage.

9.It is made clear that the impugned notices, dated 20.01.2022 and 20.04.2022 as well as the lock and seal notice, dated 19.05.2022, shall not be acted upon and if any fresh action the respondent wants to take, it is open to them to take such action in accordance with law.

10.With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer

// True Copy //

28/05/2022

Sub Assistant Registrar(CS)

lr/smn2

To

The Member Secretary,
Theni Town Planning Authority,
Allinagaram, Theni,
Theni District.

+1 CC to M/s.SPL.GP. (SR-24145[F] dated 26/05/2022)