



W.P(MD)No.27678 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.27678 of 2022

Mariyaraj

... Petitioner

VS.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
St. George Fort,
Chennai – 9.
- 2.The Director of Town and Country Planning,
Anna Salai,
Chennai – 2.
- 3.The District Collector,
Dindigul District,
Dindigul.
- 4.The Commissioner,
Kodaikkanal Municipality,
Dindigul District.
- 5.The Assistant Director (Panchayath),
Rural Development and Panchayath Raj Department,
Dindigul.



W.P(MD)No.27678 of 2022

WEB COURT

6.The Block Development Officer,
Villpatti Panchayat,
Dindigul District.

7.The Executive Engineer,
TANGEDCO,
Tamil Nadu Generation and Distribution Corporation,
Villpatti Village,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to unlock and de-seal the residential property in Survey Nos.800/2 and 800/4, new Survey No.1047 to an extent of 3650 sq. ft situated at Chinnapallam Road, Vilpatty Village, Kodaikanal Taluk, Dindigul District and also restore his electric connection No.1348 within a stipulated period.

For Petitioner : Mr.C.Ezhilarasu

For RR 1, 2, 3 & 5 : Mr.K.Balasubramani
Additional Government Pleader

For R – 4 : Mr.T.S.Mohammed Mohideen

For R – 6 : Mr.P.T.Thiraviyam

For R – 7 : Mr.S.Deenahayalan



W.P(MD)No.27678 of 2022

WEB COPY

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents to unlock and de-seal the residential property in Survey Nos.800/2 and 800/4, new Survey No.1047 to an extent of 3650 sq.ft situated at Chinnapallam Road, Vilpatty Village, Kodaikanal Taluk, Dindigul District and also restore his electric connection No.1348 within a stipulated period.

2.According to the petitioner, he purchased the property in Survey Nos.800/2 and 800/4, new Survey No.1047 to an extent of 3650 sq. ft situated at Chinnapallam Road, Vilpatti Village, Kodaikanal Taluk, Dindigul District and got approval for construction of the building in the said property as per the Town and Country Planning Act and obtained electricity service connection from the Tamil Nadu Electricity Board. The petitioner also obtained approval from the authorities concerned including the local Panchayat. While being so, the Block Development Officer, Vilpatti Panchayat issued a notice under Section 217 of the Tamil Nadu District



W.P(MD)No.27678 of 2022

WEB C

Municipalities Act, 1920 and Section 56 of the Tamil Nadu Town and Country Planning Act, 1971, to the petitioner for violation of the approval plan issued by Vilpatti Panchayat and also instructed to demolish the said building within 15 days or otherwise the said building will come under the lock and seal as per Section 339 (2) of the Tamil Nadu Panchayat Act. Though the petitioner stated that the said building was constructed as per the plan approval and it was not used for commercial purpose, the respondents 3 to 5 have locked and sealed the abovesaid property. Hence, the petitioner preferred an appeal before the respondents 1 and 2 on 16.08.2021 to unlock and de-seal the aforesaid property. After receiving the said appeal, the second respondent issued a proceeding, dated 24.09.2021, directing the petitioner to approach the fourth respondent to unlock and de-seal his residential property. Till date, no action has been taken by the fourth respondent. Hence, the petitioner has filed this Writ Petition.

3.Per contra, the learned counsel appearing for the fourth respondent submitted that the petitioner has converted the aforesaid residential building into commercial building and therefore, necessary steps have been taken by the Panchayat for locking and sealing the abovesaid property under the provisions of the Act.



W.P(MD)No.27678 of 2022

WEB COPY

4. Heard the learned counsel appearing on either side.

5. *Prima facie*, we are not inclined to grant such relief to the petitioner on the ground that the petitioner has not challenged the proceeding of the second respondent, dated 24.09.2021 and further he seeks for the unlock and de-seal of his residential property. Further, no material has been placed before this Court for refraining the order passed by the second respondent and the petitioner's appeal is pending before the respondents 1 and 2. Therefore, we are not inclined to grant any relief to the petitioner. However, it is open to the petitioner to seek appropriate remedy before the authority concerned.

6. With the above observation, this Writ Petition is dismissed.

No costs.

Index : Yes / No
Internet : Yes
ps

[D.K.K.,J.] [R.V.,J.]
07.12.2022



W.P(MD)No.27678 of 2022

WEB COPY

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
St. George Fort,
Chennai – 9.
- 2.The Director of Town and Country Planning,
Anna Salai,
Chennai – 2.
- 3.The District Collector,
Dindigul District,
Dindigul.
- 4.The Commissioner,
Kodaikkanal Municipality,
Dindigul District.
- 5.The Assistant Director (Panchayath),
Rural Development and Panchayath Raj Department,
Dindigul.
- 6.The Block Development Officer,
Villpatti Panchayat,
Dindigul District.
- 7.The Executive Engineer,
TANGEDCO,
Tamil Nadu Generation and Distribution Corporation,
Villpatti Village,
Dindigul District.



WEB COPY



W.P(MD)No.27678 of 2022

D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.27678 of 2022

DATED : 07.12.2022