



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 22.02.2023

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**and**

**THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

**W.P.No.2190 of 2023**

**and**

**W.M.P.No.2268 of 2023**

K.S.Sreenivasan

.. Petitioner

**Vs.**

1.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George, Secretariat,  
Chennai – 600 009.

2.The Commissioner,  
Palladam Municipality,  
Trichy Road, Palladam,  
Tiruppur District.

.. Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the Respondents, their men, servants or agents or anyone claiming under them from in any manner demolishing or locking and sealing of the premises at Door No.22, New Survey No.478/20, Old Survey



No.263/1A2, Trichy Road, Palladam pending appeal dated 12.01.2023

before the 1<sup>st</sup> Respondent herein.

For Petitioner : Mr.L.Palanimuthu

For R1 : Mrs.R.L.Karthika  
Government Advocate

For R2 : Mr.B.Anand

### **ORDER**

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

The petitioner has come out with the present Writ Petition forbearing the respondents, their men, servants or agents or anyone claiming under them from demolishing or locking and sealing of the premises at Door No.22, New Survey No.478/20, Old Survey No.263/1A2, Trichy Road, Palladam, pending appeal dated 12.01.2023 before the 1<sup>st</sup> respondent herein.

2.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the 1<sup>st</sup> respondent and the learned counsel appearing for the 2<sup>nd</sup> respondent and perused the entire materials on record.



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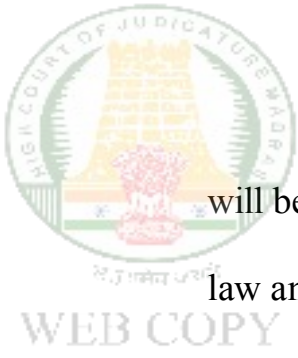


3. According to the petitioner, he is the absolute owner of the property to an extent of 7003 sq.ft. in new survey No.478/20, old survey No.263/1A2, Trichy Road, Palladam, in which, the petitioner and his brother are running their business and some of the portion of the said property has also been let out for rent. While so, the petitioner's neighbour put up construction violating the building permission, causing danger and disturbance to the petitioner. Hence, the petitioner made representation to the respondents intimating the said unauthorised construction by his neighbours viz., Karthikeyan and Arunraj at door Nos.124/A and 120/A, Trichy Road, Palladam and thereafter, filed W.P.Nos.4402 and 4809 of 2020 praying for a direction to the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 24.01.2020. This Court, by the common order dated 21.06.2022, based on the status report filed by the 2<sup>nd</sup> respondent, directed the 2<sup>nd</sup> respondent to take action against the petitioner as well as his neighbours, for their illegal constructions. Pursuant to the said directions, the 2<sup>nd</sup> respondent issued notice under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, calling upon the petitioner to provide approved plan. The petitioner submitted a reply dated 31.10.2022 to the 2<sup>nd</sup> respondent stating that the said construction has been put up by his father in the year 2004-2005 by getting planning permission from the 2<sup>nd</sup> respondent and



after his death in the year 2012, the petitioner and his brother are in possession and enjoyment of the property. He also submitted to the 2<sup>nd</sup> respondent that he filed an application for regularisation under Section 113-C of the Act and also paid necessary fees and awaiting regularisation. Without considering the said reply of the petitioner, the 2<sup>nd</sup> respondent has issued notice dated 09.11.2022 and another notice dated 30.11.2022. Thereafter, on 09.01.2023, the 2<sup>nd</sup> respondent issued lock and seal notice, directing the petitioner to vacate the premises, failing which the property will be locked and sealed on 30.01.2023 at 08.00 a.m. Against the said notice, the petitioner filed Appeal under Section 80-A of the Act before the 1<sup>st</sup> respondent on 12.01.2023 and the same is pending. In such circumstances, the petitioner has come out with the present petition for a direction forbearing the respondents from demolishing or locking and sealing his premises.

4.Mrs.R.L.Karthika, learned Government Advocate appearing for the 1<sup>st</sup> respondent submitted that the petitioner has constructed the building without obtaining any permission and building is unauthorised construction. In view of the same, notice was issued for lock and seal of the building. The petitioner's appeal dated 12.01.2023, filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971,



will be considered and necessary orders will be passed in accordance with law and prayed for dismissal of the Writ Petition.

5.Considering the above submissions of counsel for the parties and the appeal filed by the petitioner is pending, the 1<sup>st</sup> respondent is directed to consider the appeal filed by the petitioner dated 12.01.2023 and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till such time, the 2<sup>nd</sup> respondent is restrained from taking any coercive steps against the petitioner.

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)**

**22.02.2023**

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No



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

**R.HEMALATHA, J.**

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To

- 1.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
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- 2.The Commissioner,  
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