



WEB COPY



W.P.No.3672 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.3672 of 2023
and
W.M.P.No.3757 of 2023

N.Senthil Kumar

.. Petitioner

Vs.

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

2.The Commissioner of Chidambaram Municipality,
Chidambaram.

3.The Town and Country Planning Authority,
Koyambedu.

.. 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 from locking and sealing the premises at admeasuring 2300 Sq.ft. in Town Survey No.284, Block No.3, Ward No.4, Door No.105, East Care Street, Chidambaram Town, Chidambaram Taluk and District, till the appeal dated 25.01.2023 before the 1st Respondent herein is disposed of.



WEB COPY



W.P.No.3672 of 2023

For Petitioner : Mrs.AL.Ganthimathi
Senior Counsel
for Mr.L.Palanimuthu

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

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

The Writ Petition is filed for forbearing the respondents from locking and sealing the premises at admeasuring 2300 Sq.ft. in Town Survey No.284, Block No.3, Ward No.4, Door No.105, East Care Street, Chidambaram Town, Chidambaram Taluk and District, till the appeal dated 25.01.2023 before the 1st Respondent herein is disposed of.

2. By consent of both the learned Senior Counsel appearing for the petitioner as well as Mr.E.Vijay Anand, learned Additional Government Pleader, who takes notice for the respondents, the writ petition is taken up for final disposal at the stage of admission itself.

3. Heard Mrs.AL.Ganthimathi, learned Senior Counsel appearing for the petitioner as well as Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the respondents and perused the entire materials on record.



4. The learned counsel appearing for the petitioner submitted that the petitioner is absolute owner of land and building measuring to an extent of 2300 Sq.ft. in Town Survey No.284, Block No.3, Ward No.4, Door No.105, East Car Street, Chidambaram Town, Chidambaram Taluk and District. The said property originally belonged to his mother by way of Partition Deed dated 21.10.1986. The petitioner's mother settled the property in favour of the petitioner by Registered Settlement Deed dated 20.11.2009 bearing Document No.6332 of 2009 on the file of the District Registrar, Chidambaram. Thereafter, the petitioner has constructed building in the said property after obtaining building plan and approval from the respondents 2 and 3 herein for ground plus first floor and let out a portion of the ground floor on rent to one S.Kanagasabai. Thereafter, the said S.Kanagasabi has made some alternations in the said portion. Therefore, the petitioner has filed a petition in RCOP No.8 of 2017 against him and the said petition was allowed by the learned Rent Controller, Chidambaram by order dated 12.04.2022 and he was called upon to vacate the premises within a period of two months.

5. Thereafter, the said S.Kanagasabai has made a complaint on 13.06.2022 against the petitioner before the 2nd respondent alleging that



W.P.No.3672 of 2023

the petitioner put up unauthorised construction in the property. Pursuant to the said complaint, the 2nd respondent has issued a notice under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 to the petitioner on 27.06.2022 calling upon him to produce approved plan in respect of his property. The petitioner has produced the same and also made representations dated 08.08.2022 and 06.09.2022 to the authority. The 3rd respondent by order dated 20.10.2022 informed the petitioner to file an appeal to the Government. In the meanwhile, the petitioner was issued with a notice in Form II under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 on 03.01.2023 alleging that he has put up construction without any planning approval. Against the said notice, the petitioner has filed an appeal dated 25.01.2023 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the 1st respondent. Since no order has been passed in the said appeal, the petitioner has come out with the present writ petition.

6. Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the respondents submitted that the petitioner's appeal dated 25.01.2023 filed under Section 80-A of the Tamil Nadu Town and



W.P.No.3672 of 2023

Country Planning Act, 1971 will be considered and necessary orders will be passed in accordance with law.

7. Considering the above submission of the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents, the 1st respondent is directed to consider the appeal and pass orders 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 respondents 2 and 3 are restrained from taking any coercive steps against the petitioner.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

(V.M.V., J) (R.H., J)
10.02.2023

Index : Yes / No
Neutral Citation : Yes / No
dm



W.P.No.3672 of 2023

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

dm

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St George,
Chennai – 600 009.
- 2.The Commissioner of Chidambaram Municipality,
Chidambaram.
- 3.The Town and Country Planning Authority,
Koyambedu.

W.P.No.3672 of 2023

10.02.2023