



WEB COPY



W.P.No.14062 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.03.2023

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THE HONOURABLE MS. JUSTICE V.M.VELUMANI  
AND  
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

**W.P.No.14062 of 2018  
and W.M.P.No.16619 of 2018**

Abdul Khader  
Represented by his Power Agent  
A.Kursath Begum

.. Petitioner

Vs.

1. State represented by its  
the Principal Secretary  
Housing and Urban Development Department  
St.George Fort, Chennai-600 009.

2. The Director  
Town and Country Planning  
Office of the Town and Country Planning  
No.807, Anna salai  
Chennai-2.

3. The Commissioner  
Nagapattinam Municipality, Nagapattinam.

4. Ms.Fathima Joharan Beevi  
W/o. Syed Alihathi  
(R4 suo motu impleaded vide order  
of this Court dated 18.07.2018)

.. Respondents



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**Prayer:**Writ Petition filed under Article 226 of the Constitution of India

praying for issuance of Writ of Mandamus to forbear the 3<sup>rd</sup> respondent from initiating any coercive action of locking & sealing of the petitioner's property measuring 1878 sq.ft. of land and building situated at T.S.No.1718, Ward No.1, Block No.16, Katheeb Lebbai street, Nagapattinam till the disposal of the petitioner's appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, dated 25.05.2018 pending before the 1<sup>st</sup> respondent.

For Petitioner : Mr.G. Mohammed Aseef

For R1 & R2 : Mrs.R.L.Karthika

Government Advocate

For R3 : Mr.P.Srinivas

For R4 : Mr.A.Muthukumar

### **ORDER**

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

The petitioner has come out with the present Writ Petition forbearing the 3<sup>rd</sup> respondent from initiating any coercive action of locking & sealing of the petitioner's property till the disposal of his appeal filed under Section



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80-A of the Tamil Nadu Town and Country Planning Act, dated 25.05.2018

pending before the 1<sup>st</sup> respondent.

2. We heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 & 2 and the learned counsel appearing for the respondents 3 & 4 and carefully perused the material records.

3. According to the Power Agent of the petitioner, the petitioner's mother is the owner of the property comprised in T.S.No.1718, Ward No.1, Block No.16, Katheeb Lebbai street, Nagapattinam and she has executed a settlement deed in favour of the petitioner. One Fathima Joharan Beevi, the 4<sup>th</sup> respondent who is the sister of the petitioner's mother filed suit for declaration of the partition deed as null and void and 3<sup>rd</sup> respondent is also a party to the suit and the same is pending. There was a old building existing in the property and after demolition, the petitioner approached the 3<sup>rd</sup> respondent for obtaining planning permission to put up new construction. The 3<sup>rd</sup> respondent rejected the request of the petitioner stating that the suit



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in respect of the property is pending before the District Munsif Court, Nagapattinam. In the meanwhile, the petitioner has constructed the building and the 3<sup>rd</sup> respondent issued lock & seal notice dated 11.04.2018 without any inspection and due enquiry. Challenging the same, the petitioner has approached the 1<sup>st</sup> respondent by way of revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, on 25.05.2018 and the same is pending. Pending revision, coercive steps are sought to be taken by the 1<sup>st</sup> respondent. Therefore, the petitioner has come out with the present Writ Petition for the above stated relief.

4.Considering the above submissions and the fact that petitioner has filed revision before the 1<sup>st</sup> respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act and the same is pending from 25.05.2018, the 1<sup>st</sup> respondent is directed to dispose of the revision filed by the petitioner, after giving opportunity to the petitioner as well as the 4<sup>th</sup> respondent within three months from the date of receipt of a copy of this order. Till such time, the 3<sup>rd</sup> respondent is restrained from taking any coercive steps against the petitioner.



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**WEB COPY** 5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**(V.M.V.,J.) (V.L.N.,J.)**  
**21.03.2023**

Index : Yes/No  
Neutral Citation : Yes / No  
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To

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2. The Director  
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**V.M.VELUMANI, J.**  
**AND**  
**V.LAKSHMINARAYANAN, J.**

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