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W.P.Nos.18909 and 18914 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.Nos.18909 and 18914 of 2023 and

WMP No.18145 & 18147 of 2023

Yogam A.N.Ramasamy Nadar Kalyana (Thirumana) Mandapam
owned by Pattabiram Nadargal Ikkiya Sangam
represented by its General Secretary
Mr.N.Natesa Nadar, No.537, C.T.H.Road,
Pattabiram, Chennai 600 072.

... Petitioner in
W.P.No.18909/2023

K.C.S.Kasi Nadar Kalyana (Thirumana) Mandapam
owned by Pattabiram Nadar Kalyana Mandapam
Functioning under Pattabiram Nadargal Ikkiya Sangam
represented by its General Secretary
Mr.N.Natesa Nadar, No.537, C.T.H.Road,
Pattabiram, Chennai 600 072.

... Petitioner in
W.P.No.18914/2023

Vs.

1. The Secretary,
Tamil Nadu Housing and Urban Development,
Fort St. George, Chennai 600 009.



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2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building
No.1, Gandhi Irvin Road,
Egmore, Chennai 600 008.

3. The Commissioner, Avadi City Municipal Corporation,
Avadi, Chennai 600 054.

... Respondents in
both writ petitions

Prayer in W.P.No.18909 and 18914 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the third respondent from proceeding with further in pursuance of the lock and seal notice dated 16.06.2023 bearing Roc.No.9543/2019/F1 till the disposal of the appeal dated 17.06.2023 pending on the file of the first respondent.

In both writ petitions

For Petitioner : Mr.P.Muthusamy

For Respondent : Mr.E.Vijay Anand,
Addl.Govt.Pleader for R1

Mr.R.Gopinath, Standing Counsel for R3



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COMMON ORDER

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

Both the writ petitions have been filed to forbear the third respondent

from proceeding further, in pursuance of the lock and seal notice dated 16.06.2023 till the disposal of the appeal dated 17.06.2023 pending on the file of the first respondent.

2. According to the petitioner Sangam, they owned two Marriage Halls, namely, i) Ramasamy Nadar Kalyana Mandapam and ii) K.C.S.Kasi Nadar Kalyana Mandapam in Thandurai Village, Avadi. Initially, they obtained approval from the second respondent to construct an Union Hall for the welfare of the members of the Sangam. Subsequently, they had converted the Union Hall into Marriage Halls and obtained necessary certificates, viz., Structural Soundness Certificate form-A, B, and C from approved engineer; License under Form-D; Fire Service License from the District Fire and Rescue Services officer; Trade License and sanitary Certificate from Avadi City Municipal Corporation and the same were renewed periodically.



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2.2. Thereafter, the petitioner has submitted the planning permission, already obtained and other required licenses to the third respondent on various dates seeking regularization of the building and final letter was dated 08.05.2023. But, without considering the explanation given by the petitioner, the third respondent has issued a lock and seal notice dated 16.06.2023. Immediately, the petitioner has filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act along with stay application and the same are under consideration. However, the third respondent has taken steps to proceed with the lock and seal notice and hence the writ petitions have been filed.

3. The learned Additional Government Pleader, on instructions submitted that the appeal filed by the petitioner under Section 80-A of the Town and Country Planning Act is pending before the first respondent and the same will be considered and appropriate orders will be passed in accordance with law



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4. The learned counsel appearing for the petitioner has also agreed for direction to the first respondent for passing appropriate orders in the Appeal.

5. In view of the above submission, without expressing any opinion on merits, we direct the first respondent to consider the Appeal dated 17.06.2023 filed by the petitioner, on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the respondent shall not take any coercive steps.

6. With the above direction, the writ petitions in W.P.No.18909 and 18914 of 2023 are disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

(D.K.K.J.)

(P.D.B.J.)

27.06.2023

Note: Issue order copy on 28.06.2023

Internet: Yes/No

Index : Yes/No

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To
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Fort St. George, Chennai 600 009.
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D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

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