



W.P.No. 24689 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU

and

THE HON'BLE MRS. JUSTICE N.MALA

W.P.No. 24689 of 2023

and W.M.P.Nos.24130 & 24131 of 2023

G.Velusamy,
S/o.Govindasamy Gounder.

... Petitioner

-Vs-

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.The Member-cum-Secretary,
Tirupur Loan Planning Authority,
Tiruppur.

3.The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur – 641 601.

4.The Assistant Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur – 641 601.

... Respondents



W.P.No. 24689 of 2023

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned LOCK AND SEAL ORDER passed by the 3rd respondent in Order No.E1/461/2023/Z2 dated 10.08.2023, quash the same and consequently direct the 3rd and 4th respondents not to pursue any action till the disposal of the application submitted by the petitioner to the 1st respondent under Section 49 of the Tamil Nadu Town and Country Planning, 1971 as under Section 56(4)(a) of the above Act.

For Petitioner : Mr.S.N.Ravichandran
For Respondents :
For R1 : Mr. P.Gurunathan
Additional Government Pleader

For R2 to R4 :Mr.Abishek Murthy

ORDER

Challenging the Lock and Seal order dated 10.08.2023 passed by the 3rd respondent, the petitioner has filed the present Writ Petition.

2.It is the case of the petitioner that he is the absolute owner of the property in S.No.119/1C2 and 119/1C3 of B.N.Road, Anna Nagar, Neruperichal Village, Tirupur City Municipal Corporation and he had applied for approval of building plan on 03.01.2016, by remitting necessary fees for



W.P.No. 24689 of 2023

constructing a factory. Subsequently, the petitioner constructed the building and property tax has been assessed from the year 2017 and the same has been paid without any default till date. But the Commissioner, Tiruppur Corporation having received all fees from the petitioner, without granting approval of building plan, directed him to approach the Member Secretary, Local Planning Authority, Tirupur/2nd respondent. Accordingly, the petitioner submitted the plan before the 2nd respondent.

3.While so, the neighbour, who is running a school has constructed a toilet adjacent to the petitioner's factory compound wall, height about 20 feet and caused nuisance by raising irrelevant issues. He has also filed a Writ Petition in W.P.No.28776 of 2017 before this Court and vide order dated 06.03.2023, the respondents 3 and 4 therein were directed to take appropriate action, to lock and seal and also for demolition of the unauthorized portion of the building of the petitioner. Pursuant to the order of this Court, the 3rd respondent has now issued the Lock and Seal order Order No.E1/461/2023/Z2 dated 10.08.2023, that too, without affording any opportunity to the petitioner.



W.P.No. 24689 of 2023

WEB COPY

4.The learned Additional Government Pleader appearing for the 1st respondent would submit that as against the lock and seal order, the petitioner has preferred an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent and the same is pending. Therefore, he would submit that it would suffice if a direction is issued to the 1st respondent, to dispose of the appeal preferred by the petitioner, within a time frame to be stipulated by this Court.

5.In view of the submissions made by the learned Additional Government Pleader, this Court without expressing any opinion on the merits of the matter, directs the 1st respondent to pass orders on the appeal preferred by the petitioner, under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not to take any coercive steps.

6.With the above direction, the Writ Petition stands disposed of. No



W.P.No. 24689 of 2023

costs. Consequently connected miscellaneous petitions are closed.

(J.N.B., J.) (N.M., J.)

11.09.2023

Jer

Index : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

To

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.The Member-cum-Secretary,
Tiruppur Loan Planning Authority,
Tiruppur.

3.The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur – 641 601.

4.The Assistant Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur – 641 601.



WEB COPY



W.P.No. 24689 of 2023

J.NISHA BANU, J.,
and
N.MALA, J.,
Jer

W.P.No. 24689 of 2023

11.09.2023