



WEB COPY



W.P.No. 24862 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No. 24862 of 2023
and W.M.P.No. 24284 of 2023**

S. Mala

... Petitioner

Vs.

1. The Commissioner
Avadi City Municipal Corporation
Avadi
Chennai

2. The Tahsildar
Avadi
Chennai-600054

3. S. Mahadevan

4. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

(R4 suo motu impleaded as per
order dated 22.08.2023 passed by
JNBJ & NMJ)

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the impugned proceedings in ROC No 3480/2021/F1 dated 16.08.2023 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.Sharath Chandran

For Respondents : Mr. R.Gopinath for R1 and R2
Standing Counsel
Mr.P.Gurunathan for R4
Additional Government Pleader
No Appearance for R3

ORDER

This Writ Petition has been filed challenging the order dated 16.08.2023 passed by the 1st respondent under Section 56(2-A)/57(4) of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), which is appealable order.

2. According to the learned counsel for the petitioner, the dispute is between the petitioner and her neighbour, one S.Mahadevan/3rd respondent, to remove the unauthorised construction to an extent of 151 sq feet and 200 sq ft, put up by the petitioner in her premises situated at



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No.203, N.M.Road, Paruthipattu Village, Avadi Taluk, Thiruvallur District, which is causing hindrance to the 3rd respondent.

3. It is brought to the notice of this Court that a Division Bench of this Court vide order dated 06.01.2022 in W.P.No.25645 of 2021, directed the authorities to take appropriate action as against the writ petitioner herein, who was the fourth respondent in W.P.No.25645 of 2021, in respect of the illegal construction put up by her in the aforesaid premises.

4. Pursuant to the aforesaid order, the authorities inspected her property and found that there was no encroachment and building was constructed as per the approved plan. While being so, lock and seal notice dated 16.08.2023 was issued by the 1st respondent.

5. The learned standing counsel appearing for the respondents 1 and 2 submitted that the remedy is open to the petitioner, to file an appeal under Section 80A of the Tamil Nadu Town and Country



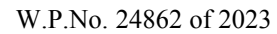
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Planning Act, 1971 in respect of the lock and seal notice dated 16.08.2023 issued by the 1st respondent.

6. In view of the above submission, this Court suo-motu implead "The Secretary to Government, Housing and Urban Development Department, Fort St.George, Chennai - 600 009" as a party respondent/4th respondent to this writ petition.

7. Considering the facts and circumstances of the case,

- i. the petitioner is directed to file an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 within a period of two(2) weeks from today(22.08.2023). The respondents are directed not to take any coercive steps till then
- ii. the 4th respondent is directed to consider the appeal filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of the Appeal.



No costs. Consequently connected miscellaneous petition is closed.

(J.N.B,J.) (N.M., J.)
22.08.2023

**1. The Commissioner
Avadi City Municipal Corporation
Avadi
Chennai**

2. The Tahsildar
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3. The Secretary to Government,
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J. NISHA BANU, J.
and
N.MALA, J.

msv

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