



WEB COPY



W.P.No.26678 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

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

W.P.No.26678 of 2022
and
W.M.P.No.25735 of 2022

N.Uma Rani

.. Petitioner

Vs.

- 1.Joint Director/Member-Secretary (Inc)
Mamallapuram Local Planning Authority,
District Town and Country Planning Office,
Chengleput District,
No.121, Municipal Complex,
G.S.T.Road, Chengleput – 603 001.
- 2.Block Development Officer,
Thiruporur Panchayath Union,
Chengleput District.
- 3.Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

4.P.Chandrakala

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings Na.Ka.No.514/2021



W.P.No.26678 of 2022

Mam.Lpa dated 09.09.2022 issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act contemplating locking and sealing action for the building put up at Survey No.121/2, Thaiyur Village Panchayath Union, Thiruporur Panchayath Union and Taluk, Chengleput District by quashing the same and consequently forbear the respondents 1 and 2 from initiating any coercive action of locking and sealing with regard to the building put up at the aforementioned property.

For Petitioner : Mr.R.Mohan

For R1 and R2 : Mrs.C.Sangamithirai

For R3 : Mr.A.Selvendran
Special Government Pleader

For R4 : Ms.S.Vennila

ORDER

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

The present Writ Petition is filed challenging the proceedings initiated by first respondent under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 contemplating locking and sealing action for the building put up at Survey No.121/2, Thaiyur Village Panchayath Union, Thiruporur Panchayath Union and Taluk, Chengleput District.

2. Heard Mr.R.Mohan, learned counsel appearing for the petitioner, Mrs.C.Sangamithirai, learned counsel appearing for the



respondents 1 and 2, Mr.A.Selvendran, learned Special Government Pleader appearing for the 3rd respondent as well as Ms.S.Vennila, learned counsel appearing for the 4th respondent and perused the entire materials on record.

3. The learned counsel appearing for the petitioner submitted that the petitioner has constructed the residential building only after obtaining permission and building approval from the 2nd respondent/Panchayat Union and there is no deviation or unauthorised construction put up by the petitioner. He further submitted that the 1st respondent affixed the impugned notice dated 09.09.2022 on the main gate of the building. On seeing the notice, the petitioner submitted the explanation stating that there is no unauthorised construction and there is no deviation and furnished the approval granted by 2nd respondent/Thiruporur Panchayat Union. However, the 1st respondent has not removed the notice and hence, the petitioner has come put with the present writ petition.

4. The 1st respondent has filed counter affidavit. The learned counsel appearing for the respondents 1 and 2 submitted that as per the order of this Court, stop work notice dated 02.03.2021 was sent to the



petitioner and the said notice was returned. Subsequently, the impugned notice was affixed on the gate of the petitioner's building. The contention of the petitioner that there is no deviation in the approved plan is not correct and submitted that the 1st respondent has given the details of the deviation in the counter affidavit filed in the present writ petition and prayed for dismissal of the writ petition.

5. The 4th respondent has filed counter affidavit. The learned counsel appearing for the 4th respondent submitted that the entire construction put up by the petitioner is unauthorised one and the petitioner is not entitled for any regularisation and prayed for dismissal of the writ petition.

6. The learned counsel appearing for the petitioner filed reply affidavit and submitted that there is no deviation from the approved plan. Even if there is any minor deviation the petitioner is entitled to file an application under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971 for regularisation and prayed for allowing the writ petition.



W.P.No.26678 of 2022

7. Considering the above materials, the petitioner is given liberty to file application before the respondents 1 and 2 under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971, within a period of two weeks from the date of receipt of a copy of this order. If any such application is filed, the respondents 1 and 2 are directed to consider the said application and pass orders on merits and in accordance with law within a period of four weeks, thereafter. If no such application is made by the petitioner within a period of two weeks, it is open to the respondents 1 and 2 to proceed further in pursuant to the impugned notice dated 09.09.2022 and in accordance with law.

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

(V.M.V., J) (R.H., J)
30.01.2023

Index : Yes / No
Neutral Citation : Yes / No
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V.M.VELUMANI, J.
and
R.HEMALATHA, J.

dm

To

1. Joint Director/Member-Secretary (Inc)
Mamallapuram Local Planning Authority,
District Town and Country Planning Office,
Chengleput District,
No.121, Municipal Complex,
G.S.T.Road, Chengleput – 603 001.
2. Block Development Officer,
Thiruporur Panchayath Union,
Chengleput District.
3. The Secretary to Government,
Government of Tamil Nadu,
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W.P.No.26678 of 2022

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