



W.P.(MD) No.5639 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.5639 of 2023

and

W.M.P.(MD) No.5254 of 2023

- 1.A.Vilma Paripoornam
- 2.R.Thirugnana Soundari
- 3.S.Arunkumar
- 4.K.Manoj
- 5.Senthamil Rani

... Petitioners

-VS-

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort St. George,
Chennai – 600 009.
- 2.The Member Secretary,
Trichy Local Planning Authority,
Kajamalai,
Trichy – 20.
- 3.The Commissioner,
Trichy Corporation,
Trichy.
- 4.The Assistant Commissioner,
K.Abisehegapuram Zone,
Trichy Corporation,
Trichy.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from evicting the petitioners from the petition mentioned Flats without following due process of law.

For Petitioners : Mr.AN.Ramanathan
For R-1 & R-2 : Mr.V.Nirmal Kumar,
Government Advocate
For R-3 & R-4 : Mr.R.Baskaranan, Senior Counsel for
M/s.R.B.Law Associates

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for R-1 and R-2 and R.Baskaranan, learned Senior Counsel, takes notice for R-3 and R-4.

2. This writ petition has been filed by the tenants contending that they were not aware of the fact that the construction was in deviation of the approved plan. It is claimed that the owners of the properties have moved the Government by way of an appeal. We find from the records that the earlier appeal filed by owners has been rejected by the Government. A Division Bench of this Court in W.P(MD)No.4191 of 2019 vide order dated 18.09.2019, had directed the Government to dispose of the appeal and further directed the Enforcement Authorities to continue the action



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under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971.

3. We are not expressing any opinion on the merits of the appeal that is stated to be pending before the Government. Considering the fact that the petitioners are tenants, the operation of the lock and seal notices is suspended till 31st May, 2023. Each of the petitioners shall inform the third and fourth respondents as to the time at which they are going to vacate the property. The third and fourth respondents upon such information will seal the premises as soon as it is vacated. It will be open to the Commissioner, Trichy Corporation, to seal all flats which are in violation on 01st June, 2023, immaterial of the fact that whether the petitioners vacate the premises or not.

4. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
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To:

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and
L.VICTORIA GOWRI, J.

pm

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