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W.P.(MD) No.16

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	Pronounced on
04.07.2023	30.08.2023

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.16120 of 2023
and W.M.P.(MD) No.13506 of 2023

N.Sankar

.... Petitioner

-VS-

1. The Principal Secretary (Town and Country Planning)
Tamil Nadu Government,
O/o.Director of Town and Country Planning,
Secretariat, Chennai-600 009.
2. The Commissioner,
Madurai Municipal Corporation,
Madurai.
3. The Executive Engineer (Project-General),
Madurai Corporation,
Madurai.
4. The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai Municipal Corporation,
Madurai.

..... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for records, pertaining to the impugned order proceedings (notice) vide Na.Ka.No.MA2U3/000505/2023 dated . 05.2023 and quash the same as not valid and direct the respondents to remove the lock and seal by getting the revised plan and other formalities contemplated under Town and



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Country Planning Act and Madurai Municipal Corporation Act, which are feasible and possible under the said Act.

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For Petitioner : Mr.FX.Eugene

For R1, R3 & R4 : Mr.M.Linga Durai
Spl. Govt. Pleader

For R2 : Mrs.S.Devasena

ORDER

(By S.VAIDYANATHAN,J.)

"The petitioner, taking advantage of the Court proceedings moving at snail's pace has audacity to construct 30,373.886 sq.ft. in excess in utter violation of the sanctioned plan and thereafter pulls this Court to his rescue so as to make law abiding citizens a laughing stock."

This Writ Petition has been filed, seeking to quash the impugned proceedings (notice) vide Na.Ka.No.MA2U3/000505/2023 dated .05.2023, in and by which, notice was issued to the petitioner to lock and seal the building on the ground that the building was constructed without any approval and there was deviation of construction. A direction was also sought for removal of the lock and seal after getting revised plan and completion of other formalities under the relevant Act.

2. Mr.M.Linga Durai, learned Special Government Pleader takes notice for R1, R3 and R4 and Mrs.S.Devasena, learned counsel for R2. By consent, final orders are passed in this Writ Petition at the admission stage.

3. It was the case of the petitioner that he had jointly purchased a vacant site of 10896.5 sq.ft. along with his brother one Subramanian comprised in S.No.51/10 and



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51/11 (T.S.No.103/1B) in Ward No.66, Kochadai main road opposite to Passport Office, Kochadayan Street, Madurai by a Registered Sale Deed with in Doc.No.2735 of 2015 dated 17.07.2015. The petitioner and his brother had decided to construct a commercial building complex after preparation of a Blue Print sketch, based on which, necessary permission was granted on 23.02.2018;

3.1. It was further case of the Petitioner that as per the approval, they proceeded with the construction of the commercial complex and completed the same in the month of March, 2021. It was stated that there were certain deviations from the original approval plan, which could be rectifiable and curable, as there were no major violations. After completion of the entire construction, the 2nd Respondent had issued a notice dated 25.01.2023 vide Ma2U3/000501/2023 to stop the constructions within seven days;

3.2. It was also the case of the petitioner that subsequently, by another undated order passed in Na.Ka.No.MA2U3/000505/2023, it was stated that pursuant to the deviation of construction from the original plan, the 2nd Respondent ordered to lock and seal the building, as if there was no approval for construction. Though a request was made to unlock and desal the building, which would cause heavy financial burden to the petitioner consequent to the loan obtained from the Karur Vysya Bank, there was no proper response for the request made to the concerned authority.



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4. Learned counsel for the petitioner submitted that despite the petitioner's readiness to set right the defects and to pay the penalty if any imposed, such an order of lock and seal in the garb notice came to be issued by an authority incompetent to pass the same. In the lock and seal order, there was no indication as to under whose instance, the notice under Section 296 of the Act was issued. Moreover, there was a violation of principles of natural justice, as neither the petitioner nor his brother was afforded any personal hearing before effecting such a notice. Learned counsel for the petitioner further submitted that though the deviation was within the extent of curable one by way of filing a revised plan in terms of the Act, the construction was straightaway kept under lock and seal in a hurried manner, which is not legally tenable. He relied upon a judgment of this Court in the case of **Mr.Lalith Kumar C.Soni vs. The Government of Tamil Nadu [W.P.Nos.16392 of 2015 batch] decided on 29.09.2015** to state that it is absolutely not mandatory to lock and seal the premises, which is not precedent for filing a special revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. The relevant paragraph of the judgment is extracted hereunder:

"15. We therefore hold that a special revision provision under Section 80-A of the Act is maintainable before the Government against the decision taken by the appropriate Planning Authority in respect of locking and sealing the premises under sub Section (2-A) of Section 56 or under sub Section (4) of Section 57, even before resorting to the act of locking and sealing. In short, sealing the premises is not a condition precedent for filing special revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 as amended by Tamil Nadu Act 61 of 2008."



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Hence, it was prayed that the impugned order / notice is liable to be set aside with a suitable direction to the concerned respondents to forthwith remove the lock and seal.

5. Per contra, learned Special Government Pleader contended that on inspection, it was found that the construction was carried out in contrary to the plan sanctioned to the petitioner and the petitioner, having been aware that there was a violation in construction of the building, proceeded intentionally without bothering about the deviation. Once there was a deviation, the question whether it could be regularized or not can be decided only by the respondents, as it is within the realm of the respondents and the petitioner cannot be permitted to proceed on the presumption that the deviation is curable and feasible to be set right. It was strenuously contended that no leniency can be shown to the petitioner and the impugned order / notice warrants no interference by this Court. The contention raised by the learned Special Government Pleader was reiterated by the learned counsel for the 2nd Respondent.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. The foremost contention of the petitioner was that the impugned order has been issued, contrary to the principles of natural justice, as no notice of enquiry was issued,



prior to the issuance of notice for lock and seal. It is needless to mention here that once a plan is sanctioned, the building has to be constructed as per plan and if at all, there is a violation, the parties must apply for a revised plan, which should be in accordance with the provisions of the Act and Rules. The violation of construction of the building has been duly established by the respondents and there should be no deviation from the sanctioned plan. That apart, the petitioner also accepted the minimum extent of deviation.

8. One Square Metre is equal to 10.764 sq.ft. A close scrutiny of the order of the respondent impugned herein unravels the fact that though plan was sanctioned to construct the building within the area of 1,413.91 sq.mts. (15,219.327 sq.ft.), the building was constructed in 4,183.85 sq.mtrs. (45,034.961 sq.ft.), and to be more precise, the excess area under deviation after completion of construction of the building was 2821.71 sq.mtrs (30,372.886 sq.ft.) and the violation was noted to be double the time than what was sanctioned originally. The submission put forth by the petitioner that there is only rectifiable violation, as stated in Paragraph No.3 of the affidavit is an act of bamboozle to retain the violated portions.

9. In *Esha Ekta Apartments Coop Housing Society Limited v. Municipal Corporation of Mumbai [(2013) 5 Supreme Court Cases = (2013) 3 Supreme Court Cases (Civil) 89]*, it was observed by the Hon'ble Supreme Court that the courts are



expected to refrain from exercising equitable jurisdiction for regularisation of illegal and unauthorised constructions and the relevant passage of the said decision is extracted below:

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"1.In the last five decades, the provisions contained in various municipal laws for planned development of the areas to which such laws are applicable have been violated with impunity in all the cities, big or small, and those entrusted with the task of ensuring implementation of the master plan, etc. have miserably failed to perform their duties. It is highly regrettable that this is so despite the fact that this Court has, keeping in view the imperatives of preserving the ecology and environment of the area and protecting the rights of the citizens, repeatedly cautioned the authorities concerned against arbitrary regularisation of illegal construction by way of compounding and otherwise."

"8.At the outset, we would like to observe that by rejecting the prayer for regularisation of the floors constructed in wanton violation of the sanctioned plan, the Deputy Chief Engineer and the appellate authority have demonstrated their determination to ensure planned development of the commercial capital of the country and the orders passed by them have given a hope to the law-abiding citizens that someone in the hierarchy of administration will not allow unscrupulous developers/builders to take law into their own hands and get away with it."

"56.We would like to reiterate that no authority administering municipal laws and other similar laws can encourage violation of the sanctioned plan. The courts are also expected to refrain from exercising equitable jurisdiction for regularisation of illegal and unauthorised constructions else it would encourage violators of the planning laws and destroy the very idea and concept of planned development of urban as well as rural areas."

10. The aforesaid view was reiterated by the Hon'ble Supreme Court in the decision rendered in *Supertech Limited v. Emerald Court Owner Resident Welfare Association and others [(2021) 10 Supreme Court Cases 1]* by holding that illegal constructions have to be dealt with strictly to ensure compliance with rule of law.



Paragraphs 159, 160 and 161 of the same read as under:

"159. The rampant increase in unauthorised constructions across urban areas, particularly in metropolitan cities where soaring values of land place a premium on dubious dealings has been noticed in several decisions of this Court. This state of affairs has often come to pass in no small a measure because of the collusion between developers and planning authorities.

160. From commencement to completion, the process of construction by developers is regulated within the framework of law. The regulatory framework encompasses all stages of construction, including allocation of land, sanctioning of the plan for construction, regulation of the structural integrity of the structures under construction, obtaining clearances from the different departments (fire, garden, sewage etc.,) and the issuance of occupation and completion certificates. While the availability of housing stock, especially in metropolitan cities, is necessary to accommodate the constant influx of people, it has to be balanced with two crucial considerations - the protection of the environment and the wellbeing and safety of those who occupy these constructions. The regulation of the entire process is intended to ensure that constructions which will have a severe negative environmental impact are not sanctioned. Hence, when these regulations are brazenly violated by developers, more often than not with the connivance of regulatory authorities, it strikes at the very core of urban planning, thereby directly resulting in an increased harm to the environment and a dilution of safety standards. Hence, illegal construction has to be dealt with strictly to ensure compliance with the rule of law.

161. The judgments of this Court spanning the last four decades emphasise the duty of planning bodies, while sanctioning building plans and enforcing building regulations and bye-laws to conform to the norms by which they are governed. A breach of the planning authority of its obligation to ensure compliance with building regulations is actionable at the instance of residents whose rights are infringed by the violation of law. Their quality of life is directly affected by the failure of the planning authority to enforce compliance. Unfortunately, the diverse and unseen group of flat buyers suffers the impact of the unholy nexus between builders and planners. Their quality of life is affected the most. Yet, confronted with the economic might of developers and the might of legal authority wielded by planning bodies, the few who raise their voices have to pursue a long and expensive battle for rights with little certainty of outcomes. As this case demonstrates, they are denied access to information and are victims of misinformation. Hence, the law must step in to protect their legitimate concerns."



11. In yet another case in **Kerala State Costal Zone Management Authority vs. Maradu Municipality [(2021) 16 Supreme Court Cases 822]**, the Apex Court once again reiterated that illegal and unauthorised constructions put up with brazen immunity, cannot be permitted to remain. The relevant passage of the said decision is quoted below:

"107. At this stage, we must deal with the argument raised before us by the company. It is submitted that a world class resort has been put up which will promote tourism in a State like Kerala which does not have any industries as such and where tourism has immense potential and jobs will be created. It is submitted that the Court may bear in mind that the company is eco-friendly and if at all the Court is inclined to find against the company, the Court may, in the facts of this case, give direction to the company and the company will strictly abide by any safeguards essential for the preservation of environment. 108. We do not think that this Court should be detained by such an argument. The Notification issued under the Environment (Protection) Act is meant to protect the environment and bring about sustainable development. It is the law of the land. It is meant to be obeyed and enforced. As held by the Apex Court, construction in violation of the Coastal Regulation Zone Regulations are not to be viewed lightly and he who breaches its terms does so at his own peril. The fait accompli of constructions being made which are in the teeth of the Notification cannot present, but a highly vulnerable argument. We find that the view taken by the Kerala High Court in aforesaid decision is appropriate. Permission granted by the Panchayat was illegal and void. No such development activity could have taken place. In view of the findings of the Enquiry Committee, let all the structures be removed forthwith within a period of one month from today and compliance be reported to this Court."

12. It is apposite to point out here that our legal system is very slow and the violators like the petitioner, taking undue advantage of the same, construct the building in deviation of the plan with the hope that law will not take its recourse so sooner or



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faster. The petitioner, having filed an appeal before the 2nd respondent, approached this Court without waiting for an order to be passed thereon and the request made by the petitioner now that he may be permitted to approach the concerned authority cannot be allowed for the reason that no purpose is going to be served, when the violation was specifically accepted by the petitioner himself in Paragraph No.3. On technicality, the petitioner is trying to ensure that the violation is not rectified and in our view, there was no violation in issuance of notice of lock and seal, as the petitioner had not taken any steps to rectify the defects when the construction was in progress and after completion of the construction, he sheds crocodile tears, which is not permissible. To make no mistakes is not in the power of man, but from their errors and mistakes, the wise and good learn wisdom for the future.

13. Law can be bent for the people, who have committed the mistake out of ignorance, but certainly not for the people like the petitioner, who have done with ulterior motive and intention of cheating the Government and Court, as the petitioner in this case knowing fully well that the building is raised in contravention to the plan moved forward fearlessly without obtaining the revised plan. The petitioner is not seeking to bend the law, but to break the law.

14. As held by this Court in Contempt Petition No.1087 of 2017 and Writ Petition No.24705 of 2017 dated 18.03.2019, the Government should think of amending Acts,



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such as the Tamil Nadu Town and Country Planning Act, 1971, District Municipalities Act and other Enactments that deal with the removal of illegal constructions and encroachments, to the effect that wherever buildings are constructed in violation of the plan, the charges, like electricity, property and water tax, etc., should be collected not less than 5 times (can be extended upto 10 times) at the rate applicable to commercial buildings even to residential houses, so that monies collected in that way could be utilised by the Government and the Government can avoid financial emergency. Thus, if any dispute, with regard to the applicability of electricity charges to the residential building or partly commercial arises, the rate applicable to commercial buildings will prevail for the entire building / construction. The Act must be amended in such a manner that if any construction is made without plan, it will have to be razed to ground and there cannot be any regularization for that construction. That apart after the basement is done, there should be an inspection within 15 days and after confirmation from the Authorities in writing, there shall be further construction. This will ensure that the violations are curtailed at the initial level. The Authority, who inspects the construction at plinth / basement level, must furnish his PF number and Aadhar Card number. If any violation is done by the Authority, he can be proceeded with departmentally for a major misconduct. Unless the law is strict and Judges are firm to control the violators with iron hands, the illegal act cannot be prevented and there could be desperate in the mind of the law abiding citizens.



15. It goes without saying that if the area building is not able to be bifurcated for the purpose of rectification, the Electricity supply shall be disconnected for the entire building and the building shall not be put to any use till it is rectified and brought in accordance with the plan. A building can be permitted to be brought in accordance with the sanctioned plan and approval and in case, during on-site inspection, it is found by the Authorities that still there are violations, the violated portions shall be kept under lock and seal and the same can be opened only for rectification purpose and shall not be put it to use.

16. A Division Bench of this Court in the case of *N.Ravikumar vs. The District Collector, O/o.Thiruvallur District, Thiruvallur, Thiruvallur District and others* [W.P.Nos.13963 to 13967, 14359 and 15229 of 2018] decided on 02.01.2019 observed as follows:

“11. Before parting with this judgment, this Court is of the view that unless there is a stay of the proceedings by the High Court, quoting any pendency of the matter, the Officials of the Municipality / Corporation / CMDA and Government Officials cannot close the complaints or appeals, etc., on the ground of pendency of Writ Petition or Writ Appeal. If they do so, it would amount to dereliction of duty and they could be proceeded with departmentally so as to bring them within the ambit of not discharging their duties with integrity and devotion to duties and also it may attract moral turpitude, depriving them their gratuity and terminal benefits, apart from endorsing the same in the Service Register during their service, which would disentitle their further promotion and those Officials shall be removed from the said post and posted in a non-sensitive post, if any complaint is made that they are not discharging their duties to the fullest satisfaction.

12. We are of the view that any records or statements made by the Staff, who are dealing with the encroachment and illegal construction,



are found to be false, it would amount to not only dereliction of duty, but also attract moral turpitude.

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13. In fine, we would like to quote the decision of the Apex Court in the case of *M.I.Builders Private Ltd. Vs. Radhey Shyam Sahu and others*, reported in *AIR 1999 SC 2468 at Special Page 2505*, wherein at Paragraph 82, it is observed and held as under:

"82. High Court has directed dismantling of the whole project and for restoration of the park to its original condition. This Court in numerous decisions has held that no consideration should be shown to the builder or any other person where construction is unauthorised. This dicta is now almost bordering rule of law. Stress was laid by the appellant and the prospective allottees of the shops to exercise judicial discretion in moulding the relief. Such discretion cannot be exercised which encourages illegality or perpetuates an illegality. Unauthorised construction, if it is illegal and cannot be compounded, has to be demolished. There is no way out. Judicial discretion cannot be guided by expediency. Courts are not free from statutory fetters. Justice is to be rendered in accordance with law. Judges are not entitled to exercise discretion wearing robes of judicial discretion and pass orders based solely on their personal predilections and peculiar dispositions. Judicial discretion wherever it is required to be exercised has to be in accordance with law and set legal principles."

14. The Secretary, HUD Department, Govt. of Tamil Nadu, Chennai, The Additional Secretary (Technical), HUD Department, Govt. of Tamil Nadu, Chennai, The Commissioner, Corporation of Chennai, Chennai, The Secretary, Municipal Administration and Water Supply Department, Government of Tamil Nadu, Fort St. George, Chennai 600 009, The Commissioner of Municipal Administration, Ezhilagam, Chennai 600 005, The Member Secretary, Chennai Metropolitan Development Authority, Thalamuthu Natarajan Building, No.1, Gandhi-Irwin Road, Egmore, Chennai-600 008, are expected to issue suitable direction to the concerned authorities to go ahead with the matter, where there are no stay to proceed with the matter. The Government is expected to issue necessary circular / Government Order, incorporating the above directions and a copy of the same shall be filed before this Court on 04.02.2019. Till such circular / Government Order is issued, the afore-stated directions should be followed in letter and spirit. It is made clear that the directions issued hereinabove



are only illustrative and apart from the above directions, stringent conditions may also be incorporated in the circular / Government Order so as to make the Officials to execute their job consecutively in the absence of stay of the proceedings by any judicial forum.”

17. This Court in the order **dated 29.04.2019** passed in **W.P.5076 of 2016** already directed the Government to constitute a Permanent Special Task Force duly headed by an efficient, devoted and honest Official, not below the rank of Additional Chief Secretary, as Chairman of the STF for various purposes, including periodical inspections, field survey and create a boundary marks in respect of vacant Government lands as per Sections 16 and 21 of The Tamilnadu Survey and Boundaries Act, 1923 and other relevant provisions of the Act, etc., and it is not known as to whether such a Force has been constituted for the said purpose. Any lapses are noticed in respect of wilful and deliberate disobedience, this Court will pass stringent orders against erring officials and in that case, imposition of fine is secondary and the imprisonment is primary.

18. In yet another case, a Division Bench of this Court, finding building violations, directed the violated portions to be razed to the ground, in the case of **M/s.Aara Silk, rep. by its Partner, MAM.Hayath S/o.M.A.Mohamed Masthan, 8/42 & 8/42-A, B - Ranganatha Mudhali Street, C.Pallavaram, Chennai vs. The Principal Director, Southern Command, IDES Guest House and others, [W.P.No.29985 of 2016] decided on 29.09.2016.** For the sake of convenience, the relevant paragraphs of the said judgment are extracted hereunder:



“20. It is pertinent to note that recently, the First Bench of this Court (S.K.Kaul,C.J., and R.Mahadevan,J.) in Contempt Petition No.1769 of 2015 and Contempt Petition No.2166 of 2015 (Suo motu), took up a matter pertaining to demolition of the violated portions of a building and insisted that the unauthorised constructions are decimated. Relevant portion of the said order reads thus:

"4.We have also perused the report of the Commissioner, who is present in Court. We have impressed upon him the importance of ensuring that there is atleast no continuing unauthorised construction by issuing stop work notices immediately when such unauthorised construction is detected rather than waiting for comparison of the plans. We have also emphasised the importance of:

(a) Checking the buildings from the basement, ground floor onwards, so that the set backs are adhered to;

(b) Ensure that the on-going construction complies with the norms;

(c) The delinquent officers are brought to book not by mere censure, stoppage of increment, but by more severe consequences like compulsory retirement and dismissal from service. We say so, as despite, mammoth amount of unauthorised construction, we are informed that not a single person has suffered the punishment of dismissal from service or even compulsory retirement atleast for the last five years.

(d) Not to let any unnecessary interference with his work by the persons, who have nothing to do with his job and that he should be able to do his task without fear or favour, for which necessary Court protection is available."

21. And, this Court (Huluvadi G.Ramesh,J. & M.V.Muralidaran,J.), while dealing with the removal of encroachments, **in the case of A.Kumar vs. The Commissioner, Greater Corporation of Chennai vide judgment dated 13.06.2016**, has held as under:

17. In view of the act of the petitioner in making repeated representations, the Corporation could not remove the encroachment as directed by this Court. Therefore, the Corporation had to face contempt proceedings in Contempt Petition No.1391 of 2015, which was closed after recording the submission of the Corporation that they would remove the same within a period of two weeks. Again, since the the encroachment



could not removed due to the attempts made by the petitioner and other encroachers, the Corporation faced another contempt proceedings in Contempt Petition No.13 of 2016. In that matter, the Corporation sought one week time to comply with the order and the same was granted on depositing a sum of Rs.20,000/- within a week.

18. In Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan [(1997) 11 SCC 123], the Supreme Court after referring to the earlier decisions, has observed thus:

"The removal of encroachment needs urgent action. But in this behalf what requires to be done by the competent authority is to ensure constant vigil on encroachment of the public places. Sooner the encroachment is removed when sighted, better would be the facilities or convenience for passing or re-passing of the pedestrians on the pavements or footpaths facilitating free flow of regulated traffic on the road or use of public places. On the contrary, the longer the delay, the greater will be the danger of permitting the encroachers claiming semblance of right to obstruct removal of the encroachment."

19. In view of the decision cited above, we are of the considered view that the encroachment has to be removed forthwith, since the petitioner and others were given notice and their objections were also heard and considered, in accordance with law. Therefore, this writ petition is disposed of, with a direction to the Corporation to demolish the encroachment, in the presence of the petitioner on 13.7.2016 and also with a direction to the petitioner to pay a fine of Rs.1,000/- (Rupees one thousand only) to the credit of the Tamil Nadu Mediation and Conciliation Centre, Chennai, within a period of one week from the date of receipt of a copy of this order. This order shall be treated as notice to the petitioner for demolishing the encroachment made in the land in question. There shall be no order as to costs. Consequently, WMP No.16456 of 2016 is closed.

22. In view of the decisions cited supra, this Court is of the view that the violated portions have got to be razed to the ground. In terms of the provisions of the Cantonment Act, the police shall give full protection for the demolition of the building and the petitioner is given a week's time from today, to remove the belongings in the building, otherwise, it will be construed that the belongings have been vacated by the petitioner. This Writ Petition is dismissed with the above direction and observation."

19. No application for approval after completion of the building can be



entertained, as it would amount to putting a cart before a horse. As stated earlier, the Authorities shall also inspect the building from the basement level itself, so that the set backs as suggested by them / plan can be adhered to and in any event, the FSI / area cannot be enhanced. Electricity supply may be an essential service for any person, but certainly it shall not be to the violators and it has got to be fixed at the premium rate till the building is brought back in accordance with the plan. That apart, Officials of E.B. must make a periodical surprise inspection to violated places to check about the theft of electricity. If exorbitant rates are foisted, it will affect the monthly budget of the violators and they will think twice to violate, as the charges under three heads, viz., E.B., Property Tax and Water Charges are recurring one.

20. The judgment relied upon by the petitioner (***Lalith Kumar C.Soni'*** case) will not inure to his benefit for the reason that the scope and pre-requisite requirement of Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, while filing a special revision petition was discussed therein, whereas in this case, the building of the petitioner was already sealed and locked, owing to major deviations to the extent of 30,373.886 sq.ft.

21. In view of what is stated hereinabove, this Court is not inclined to interfere with the impugned order and the Petitioner is not entitled to any relief sought for in this Writ Petition. Accordingly, ***this Writ Petition is dismissed*** with costs of Rs.2,00,000/- payable by the petitioner to the following Charitable Trusts in equal proportion within a



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period of two weeks from the date of receipt of a copy of this judgment:

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i) *Sudaroli Social Service Trust, Mettur Dam, Salem District (Phone Nos. 9443094917 and 9543306307);*

ii) *The Manager, Pasu Madam, Tiruverkadu Perumal Agaram, Tiruverkadu Post, Chennai-600077 (Mobile No.8754555555);*

iii) *Sri Vittal Rukmini Samsthan, Dakshina Pandaripuram, Govindapuram, Kumbakonam - 612 101 (Contact Person: Mr.K.Krishnamurthy, Mobile No. 8825893004), by way of Cheque / DD / RTGS / NEFT / Bank Transfer (SBI A/c.No. 39998936148; IFSC:SBIN0000691);*

iv) *The Treasurer, Manonmani Trust - Anbagam Husain House, 7, Kondi Chetty Street, Chennai-600 001 (Contact No.044-25312464, 63792-93893 / 9840431372).*

22. It is made clear that the lock and seal shall be removed only for the purpose of bringing the building in accordance with the plan and if the officials permit the petitioner to open the building permanently irrespective of the violated portion and the same is brought to our attention, departmental action will have to be initiated against the erring officials.

23. Both the Chief Secretary and The Principal Secretary (Town and Country Planning), Government of Tamil Nadu, Chennai are expected to circulate this order to all the Authorities dealing with sanction of plan. Consequently, connected



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Miscellaneous Petition is closed.

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Speaking order /Non speaking order
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[S.V.N,J.,] [D.B.C,J.,]
30.08.2023

Note: Copy to be marked to Chief Secretary

S.VAIDYANATHAN,J.,
and
D.BHARATHA CHAKRAVARTHY,J.,
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To:

1. The Principal Secretary (Town and Country Planning)
Tamil Nadu Government,
O/o.Director of Town and Country Planning,
Secretariat, Chennai-600 009.
2. The Commissioner,
Madurai Municipal Corporation,
Madurai.
3. The Executive Engineer (Project-General),
Madurai Corporation,
Madurai.
4. The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai Municipal Corporation,
Madurai.
5. The Chairman-cum-Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

PRE-DELIVERY ORDER IN
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