



WEB COPY



W.P.No.1642 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.1642 of 2024

M/s Spritle Software Pvt Ltd
rep. by its Director Mr.D.Loganathan
Sprite Hub (Commercial Block)
New No.15, Old No.491
Poonamallee High Road
Maduravoyal, Chennai 600 095

..

Petitioner

v.

1. The Chennai Metropolitan Development Authority
rep.by its Member Secretary
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

2. Enforcement Cell

The Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, directing the 1st respondent to



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forthwith remove the lock and seal on the said property, which has been illegally done without following the procedure enshrined under the Tamil Nadu Town and Country Planning Rules, 2022.

For Petitioner :: Mr.T.Gowthaman
Senior Counsel for
M/s KNS Law Chambers

For Respondents :: Mr.Y.Bhuvanesh Kumar
Standing Counsel

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner has come before this Court praying for issuance of a writ of mandamus to direct the first respondent to forthwith remove the lock and seal on the property of the petitioner, which has been illegally done without following the procedure, as contemplated under the Tamil Nadu Town and Country Planning Act and the Rules made thereunder.

2. The petitioner has purchased a portion of a commercial building in 2023. It is the specific case of the petitioner that the building was constructed sometime between 2007 and 2009 and the completion certificate was issued showing that there is no deviation or unauthorized



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construction. However, the respondents appear to have initiated action on the objections raised by some other owners of the same building. It is the specific grievance of the petitioner that the respondents have not followed the procedures contemplated under the Rules. It is stated that though notice is required to be served on the petitioner by tendering the same in person or in the alternative by registered post, no notice was issued. It is further stated that the notice in Form-III and Form-IV are to be issued to the owner before passing the order for locking and sealing the premises.

3. Though the respondents have filed a detailed counter affidavit, this Court is unable to find any proof for service of notice on the petitioner and for compliance of pre-requisites before issuing the notice for locking and sealing the premises. Therefore, on the ground that the impugned action to lock and seal the premises is without following the procedure, this Court is inclined to allow the writ petition. Accordingly, the first respondent is directed to forthwith remove the lock and seal in the property in question. However, it is open to the respondents to take further action, after following due procedures, in the manner known to law. The writ petition stands



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allowed. No order as to costs.

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Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

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SS

To

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Chennai Metropolitan Development Authority
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S.S.SUNDAR,J.

AND

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SS

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