



WEB COPY



W.P.No.5755 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.5755 of 2024

1.Anees Babu

2.Uneen Kutty. K

3.Nasser

4.Shihabudheen Kozhiparamban

5.Abdurasheed Musarikandy

6.M/s.Woodbrook Developers LLP

Represented by its Managing Partner

Muhammed Ashik K

Having its registered office at

No.3/506, Cholakkal Road, Chemmankadavu,

Kodur P.O., Malappuram District,

Kerala – 676 504.

Petitioners 2 to 6 represented by

General Power of Attorney

Anees Babu

... Petitioners

Vs.

Page 1



W.P.No.5755 of 2024

WEB COPY

1.Principal Secretary to the Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.Director,
Town and Country Planning,
CMDA Office Complex, E & C,
Sandai Road, Koyambedu,
Chennai – 600 107.

3.Assistant Director,
District Urban Development and Planning Department,
Collectorate Complex,
Nilgiris.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to impugned order in Letter No.5100861/UD4 (L.Re.2) 2023 dated 23.01.2024 issued by the 1st respondent and quash the same and consequently, direct the respondent to de-seal the petitioner's premises for the same as per original sanctioned plan.

For Petitioners : Mr.Adinarayana Rao

For Respondents : Mr.R.Kumaravel
Additional Government Pleader



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W.P.No.5755 of 2024

ORDER

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

This writ petition is filed challenging the order passed by the 1st respondent, dated 23.01.2024, dismissing the revision petition filed by the petitioners under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

2.The petitioners appear to have applied for planning permission to put up construction in respect of different parcels of land, for residential purposes. However, the building is found to be used for commercial purposes and hence, the petitioners were issued with Show Cause Notices calling upon them to explain as to why action should not be taken under Section 57 of the Tamil Nadu Town and Country Planning Act, 1971, to secure compliance of the sanctioned plan by locking and sealing the premises. Thereafter, orders were passed in terms of Section 57 r/w. 85 of the Tamil Nadu Town and Country Planning Act, on 05.07.2019, to lock and seal the premises. It is to be seen that the application filed by the petitioners



W.P.No.5755 of 2024

for regularisation of the building was also dismissed. Thereafter, a revision petition under Section 80-A of the Act, challenging the proceedings of the local body under Section 57 of the Act dated 05.07.2019, was preferred by the petitioners and the same was also dismissed by the 1st respondent vide the impugned order dated 23.01.2024, as the deviations cannot be condoned and the building put up by the petitioners in violation of the building plan permission has to be pulled down.

3.Learned counsel for the petitioner now states that the petitioner seeks indulgence of this Court only for de-sealing the premises so as to make alterations or bring down the structure strictly in adherence to the building plan approved.

4.Hence, leaving it open to the petitioners to approach the respondents with an application for that purpose, this writ petition is dismissed. When an application is filed for de-sealing the premises for the limited purpose of carrying out demolition or alterations so as to bring down the structure in accordance with the sanctioned plan, the same may be considered by the



W.P.No.5755 of 2024

respondents in accordance with law as may be permissible. No costs.

WEB COPY

(S.S.S.R., J.) (N.S., J.)
06.03.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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S.S. SUNDAR, J.



WEB COPY



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and
N. SENTHILKUMAR, J.

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