



WEB COPY



W.P.No.11064 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM:

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

W.P.No.11064 of 2024

Sri Rajan Kattalai
19, South Main Street
Thiruvarur 610 001
represented by its Superintendent
Mr.VKS.Arul Nandhi

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Petitioner

v.

1. Commissioner
Thiruvarur Municipality
South Street, Thiruvarur

2. Revenue Divisional Officer
Revenue Divisional Office
South Main Road, South Madavilagam
Vasan Nagar, Madappuram
Thiruvarur 614 205

3. The Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai 600 009
(R3 suo motu impleaded vide order dt.29.04.2024
in W.P.No.11064 of 2024)

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Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent leading to issuance of impugned orders dated 11.03.2024 (vide Na.Ka.No.1927/2023/F1) and quash the same and consequently direct the respondents not to lock and seal the petitioner's property comprised in T.S.No.2008, situated at Ward No.2, Block No.38, Survey Ward, Thiruvarur till building approval is obtained by the petitioner.

For Petitioner	::	Mr.KMC.Arunmokan
For Respondents	::	Mr.S.J.Mohamed Sathik
		Government Advocate for R1
		Mr.G.Nanmaran
		Spl.Government Pleader for R2 & R3

ORDER

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

Considering the nature of order that is proposed to be passed by this Court, the Secretary to Government, Housing and Urban Development Department, Fort St.George, Chennai 600 009 is suo motu impleaded as the third respondent in this writ petition.

2. The petitioner appears to be a specific endowment and it is a religious and charitable institution under the Tamil Nadu Hindu Religious and Charitable Endowments Act. The petitioner owns a property in T.S.No.2008 situated at Ward No.2, Survey Ward No.38, Thiruvarur and a commercial building has been constructed with seven shops in the property



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of the petitioner. The case of the petitioner is that the whole building was damaged and it is on account of the condition of the building, the petitioner started demolishing the old building for the purpose of constructing a new building. It is also the case of petitioner that at the time of the petitioner demolishing the old building, a third party filed a public interest litigation petition in W.P.No.1908 of 2023 to direct the official respondents to take action. The said writ petition was dismissed by this Court by order dated 27.01.2023 permitting the petitioner to continue with the demolition. After carrying out the demolition, it appears that the petitioner has started putting up construction. It is also stated that the petitioner has completed the construction of seven shops in the property. The first respondent issued a notice dated 31.10.2023 alleging that the construction is unauthorised. Though the petitioner submitted an application dated 19.12.2023 seeking for building approval, again at the instance of the same third party, the petitioner states that the respondents have rejected the application by order dated 02.01.2024 and are now taking action for locking and sealing the premises by issuing a notice dated 11.03.2024. Despite the petitioner having submitted a reply and sought time to file an appeal against the notice dated



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11.03.2024, it is contended by the petitioner that the first respondent issued another notice dated 29.03.2024 stating that the previous notice will be enforced. Aggrieved by the same, the present writ petition is filed.

3. This Court, while admitting the writ petition, passed an order on 22.04.2024 directing the petitioner not to continue with any construction till such time the petitioner submitted an application for building plan approval or to seek exemption from the concerned authorities or for regularisation. The learned counsel for petitioner states that the construction is stopped. However, the request of the petitioner is that the petitioner has filed a statutory revision as against the order impugned in the writ petition. His further request is to direct the Government to dispose of the statutory revision within the time stipulated by this Court and to direct the respondents not to take any coercive action or steps to implement the impugned order till such time the statutory revision is disposed of by the Government.

4. Considering the grievance of the petitioner and the facts which are



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not in issue, this Court is inclined to dispose of this writ petition with the following directions:-

- (i) The third respondent-Secretary to Government, Housing and Urban Development Department is directed to consider the statutory revision stated to have been filed by the petitioner as against the impugned order.
- (ii) Till such time the statutory revision is disposed of by the third respondent, who has now been impleaded in this writ petition, the petitioner shall not proceed with the construction or to alter the physical features.
- (iii) Similarly, the respondents 1 & 2 are directed to maintain status quo till such time the statutory revision filed by the petitioner under Section 80-A before the third respondent is disposed of in accordance with law.

Consequently, W.M.P.Nos.12148 & 12149 of 2024 are closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
29.04.2024

SS

To



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