



WEB COPY



W.P.No.11151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.11151 of 2024

and

W.M.P.Nos.12220 & 12222 of 2024

B.Venkatesa Perumal

... Petitioner

Vs.

- 1.The Commissioner,
Jolarpettai Municipality,
131, Parthasarathy Street,
Natrampalli Road,
Jolarpet Municipality 635 851.
- 2.The Commissioner Municipal Administration,
3, MRC Nagar, Raja Annamalai Puram,
Chennai, Tamil Nadu 600 028.
- 3.The District Collector,
NH-179A, Tirupathur District Collector Office,
Tirupathur – 635 601.



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4. Inspector General of Registration,
100, Santhome High Road,
Mandavelipakkam, Raja Annamalai Puram,
Chennai – 600 028.

5. The Sub-Registrar,
Sub-Registrar Office, Jolarpettai,
Nethaji Road, Sakkarapuram,
Jolarpettai – 635 851.

6. The District Registrar,
District Collector Office, 4th Floor, C Block,
Tirupathur – 635 601.

7. The Revenue Divisional Officer (RDO)
Sub Collector Office, Government Garden,
Tirupathur – 635 601.

8. The Tahsildar,
Thirupattur,
Thirupattur District.

9. The Village Administrative Officer,
Sakkarakuppam,
Jolarpet,
Thirupattur District.

10. Sivakami

11. V. Anandha Raj

12. Velu

13. Prabhu



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14.Ravi

15.Kanagaraj

16.Ragupathy

17.Anbu

18.Sita

19.Dhanalaxmi

20.Radhi Devi

21.Amirtha Raj

22.Arul Raj

23.Sharmila

... 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 in the proceedings in the issue of Notice No. Na / Ka/ No. 542/ 2021/F1 dated 13-12-2023, issued vide Sections 56 and 57 under Tamil Nadu Town and Country Planning Act, 1971 resulting in the coercive action of Lock and Seal of the petitioner's house on 28-12-2023, situated in the land / site under Survey No. 23/7E Pudur East Street, MettuChakkara Kuppam Village, Reddiyur Post, Jolarpettai- HPO and PS, Tirupattur Tashil, Thirupattur District - 635851, being arbitrary, biased, malafide and in violation of Article 21 of the Constitution, quash the same, resultantly direct the 1st respondent



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to accept and approve the Building Plan submitted by the Petitioner by Speed Post delivered to the 1st respondent on 28-03-2024, in accordance with law.

For Petitioner : Mr.A.Irudayam
For R1 to R9 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

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

The petitioner has filed the above writ petition challenging the notice issued by the 1st respondent, dated 13.12.2023, under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971.

2.Even though the petitioner has raised several grounds, the main ground raised by the petitioner is that the impugned order is in violation of principles of natural justice inasmuch as no show cause notice was issued to the petitioner.



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3.The impugned order does not reveal issuance of any show cause notice, even though a direction is given to the petitioner to remove the petitioner's belongings to enable the official respondents to lock and seal the premises. Therefore, on the ground of violation of principles of natural justice, the impugned order is set aside. However, liberty is given to the official respondents to take appropriate action in the manner known to law, after following due procedure. In view of the fact that the impugned order is set aside, the official respondents are directed to de-seal the premises immediately.

4.Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.S., J.)
26.04.2024

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Internet : Yes
Index : Yes / No
Neutral Citation : Yes / No

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Thirupattur,
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9. The Village Administrative Officer,
Sakkarakuppam,
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S.S. SUNDAR, J.
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