



W.P.No.20646 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.20646 of 2024

and

W.M.P.No.22570 of 2024

B.Jaishankar

... Petitioner

Vs.

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

2.The Commissioner/Member Secretary,
Local Planning Authority,
Pollachi Municipality,
Pollachi.

3.The Deputy Director of
Town and Country Planning,
Coimbatore.

... 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 of the 2nd respondent in his proceedings in Na.Ka.No.212/2021/F1 dated



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21.06.2024 as final notice and quash the same and consequently, direct the respondents to desal the building No.1, Kamarajar Street, Pollachi.

For Petitioner : Mr.R.Abdul Mubeen
For R1 and R3 : Mr.M.R.Gokul Krishnan
Additional Government Pleader
For R2 : Mr.B.Anand
Standing Counsel

ORDER

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

This writ petition is filed challenging the impugned proceedings of the 2nd respondent, dated 21.06.2024, which is the final notice under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, for locking and sealing the premises.

2.It is now stated by the petitioner that a statutory revision is filed as against the order dated 21.06.2024. Learned counsel for the petitioner has produced before this Court a judgment of the Division Bench of this Court in the case of ***B.Radhamani and others v. Principal Secretary to***



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Government and others [W.P.No.11926 of 2022, etc. batch, dated 05.05.2022].

The Division Bench, following the judgment of the Hon'ble Supreme Court in *S.L.P.(C)No.011500 of 2021, dated 27.07.2021*, in which Hon'ble Supreme Court, taking note of the special revision petition filed by the writ petitioners before the Government, issued directions to the Government to dispose of the special revision filed by the petitioners within a time frame of not more than 3 months from the date of communication of the order to the petitioners, issued similar directions. It is to be noted that the Hon'ble Supreme Court has also directed the parties to maintain status *quo* till such time the special revision is disposed of.

3.Learned Standing Counsel appearing for the 2nd respondent produced before this Court the proceedings dated 08.06.2022 in which the previous revision petition filed by the petitioner against the locking and sealing proceedings, was disposed of giving three months' time for rectification. While ordering de-sealing the premises, in the case of several others including the petitioner herein, a direction was issued to the respondents to de-seal the premises only for the limited purpose of



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rectification. The 1st respondent also warned that failure of compliance will lead to locking and sealing of the premises. However, learned counsel for the petitioner states that the proceedings, dated 08.06.2022, referred to above was not communicated to the petitioner.

4.In view of the proceedings of the 1st respondent dated 08.06.2022, this Court is unable to find any merit in the submissions of the learned counsel for the petitioner. Since the 1st respondent has already passed an order earlier, this Court is unable to give any further direction. However, it is open to the petitioner to challenge the earlier order passed by the 1st respondent, dated 08.06.2022, wherein, the petitioner was directed to carry out rectification work to bring the building in conformity with the approved plan. The learned counsel for the 2nd respondent is directed to furnish a copy of the proceedings of the 1st respondent, dated 08.06.2022, to the learned counsel for the petitioner.



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5. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
24.07.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Secretary to Government,
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3. The Deputy Director of Town and Country Planning,
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S.S. SUNDAR, J.



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