



W.P(MD)No.9445 of 2021

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.03.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.9445 of 2021  
and  
W.M.P(MD)No.7816 of 2021**

S.Sundarambal

... Petitioner

VS.

- 1.The Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George, Chennai – 600 006.
- 2.The Deputy Director of Town and Country Planning,  
Trichy Region, Kajamalai Main Road,  
Kajamalai, Trichy – 620 023.
- 3.The Commissioner,  
Trichy Municipal Corporation, Trichy City.
- 4.The Assistant Commissioner,  
Ponmalai Division, Trichy Corporation,  
Trichy City.
- 5.S.Amirthavalli

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 3 and 4 from in any manner initiating any coercive action of locking, sealing

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and demolition of the petitioner's premises at S.No.530, Block No.56, New Ward No.10, Block No.12, T.S.No.7, Door No.11/3 situated at Ponmalai Division of Trichy Corporation under the Tamil Nadu Town and Country Planning Act, till the disposal of the petitioner's appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 07.05.2021 pending on the file of the first respondent.

|                          |                                                                   |
|--------------------------|-------------------------------------------------------------------|
| For Petitioner           | : Mr.C.Gangai Amaran                                              |
| For Respondent Nos.1 & 2 | : Mr.N.Satheesh Kumar<br>Additional Government Pleader            |
| For Respondent Nos.3 & 4 | : Mr.R.Baskaran<br>Standing Counsel<br>for M/s.R.B.Law Associates |
| For Respondent No.5      | : Mr.R.Rajamohan                                                  |

**ORDER**

**(Order of the Court was made by D. KRISHNAKUMAR, J.)**

Prayer in this Writ Petition is to forbear the respondents 3 and 4 from in any manner initiating any coercive action of locking, sealing and demolition of the petitioner's premises at S.No.530, Block No.56, New Ward No.10, Block No.12, T.S.No.7, Door No.11/3 situated at Ponmalai Division of Trichy Corporation under the Tamil Nadu Town and Country Planning Act, till the disposal of the petitioner's appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act dated 07.05.2021 pending on the file of the first respondent.

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2.The second respondent filed a counter-affidavit, wherein it is stated as follows:

*'5.It is submitted that the as per the direction of the Hon'ble Court, a show cause notice dated 20.01.2021 and 16.03.2021 was issued to the petitioner since no planning approval was obtained from the concerned department and thereafter lock and seal notice was issued to the petitioner and 2 others under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 vide proceedings dated 22.04.2021. But the petitioner has not made any reply to show cause notice nor made any application for issuance of planning approval. Challenging the lock and seal notice, an appeal was preferred before the first respondent and the same is still pending for final orders.'*

3.Considering the fact that the appeal preferred by the petitioner is pending before the first respondent, the relief sought for by the petitioner cannot be granted and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**[D.K.K.,J.] [R.V.,J.]**  
**18.03.2024**

NCC : Yes / No  
Index : Yes / No  
ps

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**D. KRISHNAKUMAR,J.**  
**and**  
**R.VIJAYAKUMAR,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.9445 of 2021**

**DATED : 18.03.2024**