



W.P(MD)No.12289 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P(MD)No.12289 of 2024
and
W.M.P(MD)Nos.10903 & 10904 of 2024

N.Sankaralingam

... Petitioner

VS.

1.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tenkasi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned lock and seal order in Order No.2 of 2024 dated 03.06.2024 issued by the second respondent and quash the same as illegal and consequently forbear the second respondent from taking any coercive steps including lock and seal of the residential dwelling house of the petitioner in Door No.27/58, Arasur Nangaiamman Kovil Street, Tenkasi



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pending the disposal of the statutory appeal filed by the petitioner before the first respondent on 01.06.2024 and 08.06.2024.

For Petitioner : Mr.M.Kannan

For Respondents : Mr.A.Kannan
Additional Government Pleader
for R.1

: Mr.P.Aathimoolapandian
Standing Counsel
for R.2

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, to quash the impugned lock and seal order in Order No.2 of 2024, dated 03.06.2024 issued by the second respondent and consequently forbear the second respondent from taking any coercive steps including lock and seal of the residential dwelling house of the petitioner in Door No.27/58, Arasur Nangaiamman Kovil Street, Tenkasi, pending the disposal of the statutory appeal filed by the petitioner before the first respondent on 01.06.2024 and 08.06.2024.



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2.Heard Mr.M.Kannan learned counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for the first respondent and Mr.P.Aathimoolapandian, learned standing counsel appearing for the second respondent.

3.With regard to the building at Door No.27/58, Arasoor Nangaiamman Kovil Street, Survey Ward-B, Block-19, T.S.No.218, Tenkasi Village, Tenkasi Taluk and District, there has been a lock and seal notice issued in Form VII under Rule 7 by the second respondent on 03.06.2024. Pursuant to which, at any time, the premises would be kept under lock and seal. Apprehending the same, already against the said lock and seal order, dated 03.06.2024, the petitioner has filed an appeal on 08.06.2024 to the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (in short hereinafter referred to as 'the Act').

4.Since the said appeal has been filed and it is pending with the first respondent, unless the appeal is decided one way or other, further coercive action to be taken, of course, pursuant to the order impugned dated 03.06.2024 to lock and seal the premises of the petitioner is unwarranted, therefore, to thwart the attempt to be made by the second



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respondent through the impugned communication, dated 03.06.2024, the present Writ Petition has been moved, submitted by Mr.M.Kannan, learned counsel appearing for the petitioner.

5.However, Mr.P.Aathimoolapandian, learned standing counsel appearing for the second respondent Municipality would submit that prior to the lock and seal order, dated 03.06.2024, already notice had been given on 31.01.2024 and 02.05.2024, at that juncture, the petitioner had approached this Court and filed a Writ Petition in W.P(MD)No.4879 of 2024, which was disposed of by a Division Bench of this Court, by order, dated 04.03.2024, where the direction was given to the petitioner to give reply to such notice to the second respondent and if any such reply is given, the same shall be considered by the second respondent Municipality. Accordingly, the reply submitted by the petitioner having been considered, it was rejected by the Municipality, by order, dated 06.05.2024. Only followed by the same, the present lock and seal order, dated 03.06.2024 since has been passed, pursuant to which the premises can at any time be locked and sealed.



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6.Mere filing of an appeal to the first respondent under Section 80-A of the Act would not preclude the second respondent Municipality in proceeding further to lock and seal the premises pursuant to the order dated 03.06.2024, the learned standing counsel appearing for the second respondent submitted.

7.The learned Additional Government Pleader appearing for the first respondent would submit that if at all appeal has been filed under Section 80-A of the Act, that too, only a few days back, it will take a reasonable time for the first respondent to decide the said appeal on merits and in accordance with law.

8.We have considered the said rival submissions made by the learned counsels appearing for both sides and have perused the materials placed before this Court.

9.Since an appeal under Section 80-A of the Act has been filed on 08.06.2024 against the order dated 03.06.2024 passed by the second respondent and such appeal is pending with the first respondent, the petitioner can pursue such appeal, where there shall be a direction to the



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first respondent to decide the said appeal and pass final orders thereon, after hearing the petitioner and the second respondent Municipality, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the order dated 03.06.2024 passed by the second respondent by way of locking and sealing of the premises concerned, shall be kept in abeyance.

10. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[R.S.K.,J.] [G.A.M.,J.]
11.06.2024

NCC : Yes / No
Index : Yes / No
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To

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Chennai – 600 009.
- 2.The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tenkasi District.



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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
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DATED : 11.06.2024