



WEB COPY

WP No. 26654 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P. No. 26654 of 2025
and W.M.P.No.29967 of 2025**

1. Jainullabudeen
S/o. Hayathi, No. 48 Mannar Samy
Koil Street, Pulianthope, Chennai 12.

Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep. by the Additional Secretary to
Government Technical, Housing and
Urban Development Department
Secretariat, Fort St George, Chennai

2.The Commissioner
Corporation of Chennai, Chennai 3

3.The Executive Engineer
Zonal VI Greater of Chennai Corporation
No. 158 Strahanas Road, Pattalam,
Chennai



4. Mohamed Muddhija

S/o. Late Mohamed Madar, K42

13th Street, First Floor, Anna Nagar East,
Chennai 600 102.

Respondent(s)

PRAYER

The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to pass orders on the appeal dated 24.03.2025 within a specified period and consequently direct the 3rd respondent to remove the lock and seal at that premises no. 48 Manarsay Koil Street, Puliyanthope Chennai 600 012, pending disposal of the appeal dated 24.03.2025.

For Petitioner(s): Dr.S.Lingesh

For Respondent(s): Mr. M.Venkateswaran
Special Government Pleader For R1
Mr. E.C.Ramesh
Standing Counsel For R2 and R3

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

The present Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to pass orders on the appeal dated 24.03.2025 within a specified period and consequently direct the 3rd respondent to remove the lock and seal at that premises No.48, Manarsay Koil Street, Puliyanthope, Chennai 600 012, pending disposal of the appeal dated 24.03.2025.



2. The case of the petitioner is that he is a physically challenged person, doing tailoring business in his house at No.48, Manarsamy Kovil Street, Puliyanthope, Chennai. While so, one Mohammed Muddjija / 4th respondent herein made a false complaint before the 3rd respondent alleging that without proper permission, the petitioner is constructing a building in the aforesaid premises. According to the petitioner, with an ulterior motive, the 4th respondent has lodged a false complaint against the petitioner. In the meantime, the 4th respondent has filed W.P.No.12970 of 2024 seeking a direction for lock and seal for the unauthorized construction and pending the said writ petition, the 3rd respondent issued a stop work notice to the petition on 24.07.2024. In response to the petitioner along with his family members had explained the situation to the 3rd respondent, however, the 3rd respondent had proceeded with the lock and seal proceedings under Section 57(2-A) and 57(4) of the Tamil Nadu Town and Country Planning Act, 1971 on 21.03.2025 and the same was affixed in his house on 22.03.2025. As against the said Lock and Seal Notice dated 21.03.2025, he filed an appeal along with a stay petition before the 1st respondent on 24.03.2025 and while pendency of the said appeal, the 3rd respondent came to his premises and locked and sealed the petitioner's shop on 11.06.2025. According to the petitioner, he being a physically challenged person having two daughters and running a tailor shop alone, if the lock and seal was not removed, he would not be able to make his both ends meet and therefore, he has come up with the present writ petition.



3. Heard the learned counsel for the petitioner and the learned counsel for respondent Nos.1 to 3 and perused the materials on record.

WEB COPY

4. Notice to the 4th respondent is dispensed with as no adverse order is going to be passed in this Writ Petition.

5. The fact remains that the premises of the petitioner has been put under lock and seal, vide impugned notice of the 3rd respondent dated 21.03.2025, against which the petitioner has preferred an appeal petition along with stay petition and the same is pending without passing any orders. Be that as it may, this Court, without expressing anything on merits, directs the 1st respondent to dispose of the appeal filed by the petitioner, after affording opportunity of personal hearing to the petitioner and the 4th respondent and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

(J.NISHA BANU J.)(M.JOTHIRAMAN J.)

22-07-2025

ASI



WEB COPY

1. The Additional Secretary to Government Technical,
Housing and Urban Development Department Secretariat,
Fort St George, Chennai

2. The Commissioner
Corporation of Chennai, Chennai 3

3. The Executive Engineer
Zonal VI Greater of Chennai Corporation
No. 158 Strahanas Road, Pattalam, Chennai



WEB COPY

WP No. 26654 of 2025



J.NISHA BANU J.
AND
M.JOTHIRAMAN J.

ASI

W.P. No. 26654 of 2025
and W.M.P.No.29967 of 2025

22-07-2025