

W.P.(MD)No.5186 of 2025 & 12385 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.5186 of 2025 & 12385 of 2024

and

W.M.P.(MD)No.3790 of 2025 & 10967 of 2024

V.Palanisamy

... Petitioner in both writ petitions

Vs.

The Commissioner,
Tenkasi Municipality,
Tenkasi District.

...Respondent in both writ petitions

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in the notice issued by the respondent in Na.Ka.No. 3043/2023/F1 dated 28.01.2025 and in Notice No: 1/2024 dated 31.04.2024 and quash the same.

For Petitioner : Mr.P.Thirumahilmaran (In both cases)

For Respondent : Mr.P.Athimoola Pandian (In both cases)

Standing Counsel



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COMMON ORDER

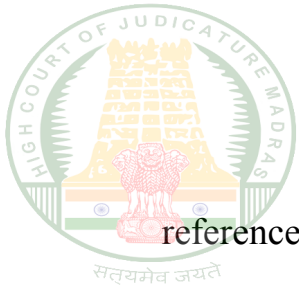
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(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The petitioners in WP(MD)No.12385 of 2024 and WP(MD)No.5186 of 2025 are one and the same. WP(MD)No.12385 of 2024 has been instituted challenging the lock and seal notice issued by the competent authority under Section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971.

2. The details regarding violations are specified in the notice. Notice itself states that the petitioner has to comply with the permission by demolishing / altering the building as per the approved plan within a period of thirty days. Thus, an opportunity was given to the petitioner to demolish the deviation and restore the building in consonance with the building plan approval granted by the authority. The writ petitioner challenged the said notice.

3. Since an alternate and efficacious remedy under the Tamil Nadu Town and Country Planning Act, 1971, namely, a revision before the Government under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, has not been exhausted, the writ petition is not maintainable. Adjudication of facts with



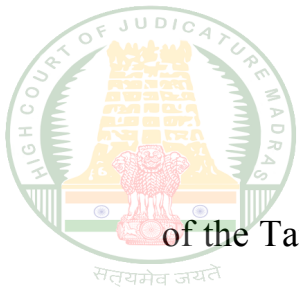
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reference to documents and evidences are paramount importance, since the High Court cannot conduct a roving enquiry into the disputed facts.

4. During the pendency of WP(MD)No.12385 of 2024, the authorities have issued notice reminding the petitioner to respond to the lock and seal notice. Instead of responding to the notice or in alternate, filing a revision petition before the Government, once again the petitioner filed another writ petition in WP(MD)No.5186 of 2025.

5. The impugned notice in the said writ petition dated 21.01.2025 shows that despite the lock and seal notice, the petitioner continued to construct buildings unauthorizedly. Such a notice would provide no cause for institution of writ petitions. Second writ petition is absolutely fictitious and the petitioner has made an attempt to prolong and protract the enforcement proceedings, so as to escape from the clutches of legal proceedings. Such an idea of the litigants, at no circumstances, be encouraged by the High Court.

6. Once the lock and seal notice has been issued by the authority under the Tamil Nadu Town and Country Planning Act, 1971, a revision under Section 80A



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of the Tamil Nadu Town and Country Planning Act, 1971 may be preferred before the Government and the Government is empowered to adjudicate the facts on merits. That being so, both the writ petitions are not maintainable and filed with an idea to increase the longevity of the enforcement actions, which cannot be appreciated, but to be depreciated. There is no impediment for the respondents to continue the enforcement actions by following the procedures.

7. With the above observations, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (A.D.M.C., J.)

11.06.2025

NCC : Yes / No
Index : Yes / No
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To:-

1. The Commissioner,
Tenkasi Municipality,
Tenkasi District.



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S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

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