



W.P.(MD)No.18146 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.18146 of 2025

and

W.M.P.(MD)No.13887 of 2025

Karuppiah

... Petitioner

Vs.

The Executive Officer,
Palanichetti Patti Town Panchayat,
Theni District.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the respondent in Na.Ka.No.297/2021, dated 24.06.2025 and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.S.P.Maharajan,
Special Government Pleader



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ORDER

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

The impugned order dated 24.06.2025 has been issued to remove the articles, so as to lock and seal the premises of the petitioner.

2.The petitioner has earlier filed W.P.(MD)No.3956 of 2025, challenging the lock and seal notice issued earlier in proceedings dated 03.01.2025. This Court passed a final order vide order dated 10.06.2025, granting liberty to the petitioner to prefer a revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act') before the Government.

3.The learned counsel appearing for the petitioner would submit that the revision before the Government was filed on 28.06.2025. However, even before that, the impugned notice has been issued again for locking and sealing the premises of the petitioner.



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4.The contention of the petitioner is that breathing time was not granted to the petitioner to prefer a revision before the Government. However, the fact reveals that the impugned notice was issued on 24.06.2025 and the revision under Section 80A of the Act was filed on 28.06.2025. Therefore, the authorities competent may not have any knowledge about filing of the revision at the time of passing the impugned order.

5.It is needless to state that unauthorized constructions are to be demolished by following the procedures as contemplated under the Act and Rules. No Writ against lock and seal notice is entertainable, in view of the special provisions ie., 80A of the Act provided under the Act, wherein the Government is empowered to adjudicate all the facts in detail by affording opportunity and decide the issues on merits.

6.Though there is a delay in preferring the revision, the learned counsel for the petitioner would submit that there is a delay in getting the copy of the order dated 10.06.2025 passed by this Court in W.P.(MD)No.3956 of 2025.



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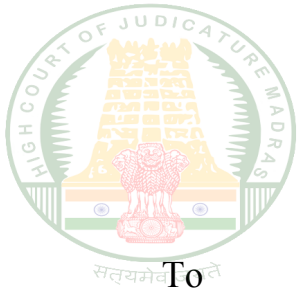
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7. May that as it be, an opportunity is to be granted to the petitioner to approach the Government for securing an interim order under Section 80A of the Act, if the Government considers the case on merits and in accordance with law. In order to grant time to the petitioner to get an opportunity to place the facts before the Government in the revision petition filed under Section 80A of the Act, this Court is inclined to keep the impugned proceedings issued by the respondent dated 24.06.2025 in abeyance for a period of six (6) weeks from today. The petitioner is at liberty to move the Government for passing appropriate orders. If no orders are passed within the stipulated period of six weeks, the respondent is at liberty to proceed with the enforcement action by following the procedures as contemplated under the Act.

8. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (A.D.M.C., J.)
03.07.2025

NCC : Yes / No
Index : Yes / No
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To
The Executive Officer,
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Theni District.



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