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W.P.No.17732 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.17732 of 2026
and W.M.P.Nos.19057 and 19058 of 2026

A.Senthilkumar,
S/o.(Late) Arumugam,
No.21, Baani Garden,
Arumugam Nagar,
Pollachi - 642002.

Petitioner

Vs

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary,
Housing and Urban Development
Department,
Secretariat,
Chennai -600009
- 2.The Assistant Joint Director of Town
and Country Planning,
Town and Country Planning Office,
FCI Road, Gandhinagar,
Ganapathy,
Coimbatore -641004.



W.P.No.17732 of 2026

3. The Commissioner /
Member Secretary,
Pollachi Local Planning Authority,
Pollachi Municipality, Pollachi,
Coimbatore District - 642001

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records in impugned Lock and Seal Notice No.06/2024/F1 dated 20.03.2026 and Impugned Lock and Seal Order dated 17.04.2026 bearing Na.Ka.No.212/2021/F1(2874/2021/F-1) issued by the 3rd respondent and quash the same and consequently, direct the respondents not to take any coercive actions against the petitioner's land and building comprised in Town Survey Ward No.E, T.S.No.153/1A Part, Pollachi Village located at No.4,Bharathi Road, Pollachi, Coimbatore District.

For Petitioner: Mr.N.L.Rajah
Senior Counsel
for Mr.K.R.Arun Shabari

For Respondents: Mr.A.Edwin Prabakar
State Government Pleader
for R1 and R2

Mr. B.Anand
Standing Counsel
for R3



W.P.No.17732 of 2026

ORDER

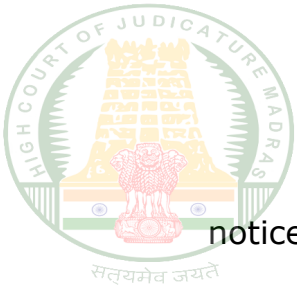
(Order of the Court was made by *Arul Murugan, J.*)

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Heard.

2. This writ petition assails the impugned lock and seal notice dated 20.3.2026 and the impugned lock and seal order dated 17.4.2026 on the ground that when already appeal preferred under Section 80A(3) of the Tamil Nadu Town and Country Planning Act, 1971 (for short, "*the Act*") is pending, the impugned lock and seal notice and lock and seal order came to be issued.

3. Learned Senior Counsel for the petitioner contended that already the respondent Municipality has issued notice dated 2.9.2024, against which the petitioner has filed an appeal under Section 80A(3) of the Act. Further, the petitioner had also approached this Court earlier by filing W.P.No.22824 of 2025, wherein a direction was issued by this Court on 24.6.2025 to the first respondent therein to dispose of the appeal filed under Section 80A(3) of the Act within a period of three months. It is submitted that while the said appeal is still pending consideration, the third respondent has issued the impugned



W.P.No.17732 of 2026

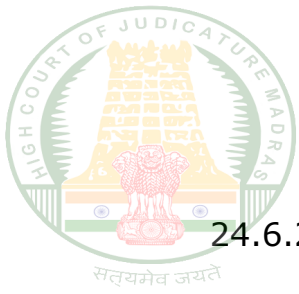
notice and order, which are not sustainable in law.

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4. Learned State Government Pleader appearing for respondent Nos.1 and 2 contended that, in fact, the appeal filed earlier has already been taken up for hearing and the petitioner has not cooperated in the enquiry and, therefore, the appeal proceedings could not be completed within three months as directed by this Court earlier. He would submit that, as against the present impugned lock and seal order, which was issued for locking and sealing of the premises, there is a provision for filing an appeal and the petitioner may be relegated to file appeal.

5. We have considered the rival submissions and also perused the materials on record.

6. Admittedly, based on the steps initiated by the owner of the premises, earlier, a notice was issued calling for the approved plan/stop work on 2.9.2024. The petitioner had filed appeal under Section 80A(3) of the Act before the appellate authority and since the appeal was not decided, a writ petition, being W.P.No.22824 of 2025, came to be filed by the petitioner and, this Court, by the order dated



W.P.No.17732 of 2026

24.6.2025, held thus:

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"Mr.M.Venkateswaran, learned Special Government Pleader takes notice for the 1st & 2nd respondents. Mr.B.Anand, learned Standing Counsel takes notice for the 3rd respondent. By consider of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus to direct the first respondent to consider and dispose of the stay application in the Special Revision Petition filed under Section 80A(3) of the Tamil Nadu Town and Country Planning Act, 1971, by the petitioner on 29.11.2024 on the file of the first respondent.

3. (i) The case of the petitioner is that he is owner of the property located at No.4, Town Survey ward No.E, T.S.No.153/1A Part of Bharathi Road, Pollachi, Coimbatore District. The above said property along with larger extent of lands originally belonged to his grandfather and subsequently, by way of Deed of Family Arrangement dated 29.09.2006, a portion of the said property was allotted to his father P.N.Arumugam and his brother N.Chandrasekaran and subsequently, through WILL and registered Settlement deed, part of the property consisting of land with building in the sub-divided survey No.153/1 was given to the petitioner. The building was constructed during the year 1962 and it is in existence for more than 60 years.

(ii) A third party seems to have filed a Public Interest litigation in W.P.No.227 of 2024 before this Court to remove



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W.P.No.17732 of 2026

the unauthorized construction and encroachments in Pollachi Municipality and this Court closed the said writ petition with certain direction. The 3rd respondent issued notice and the petitioner appeared with requisite documents. But the 3rd respondent issued another notice calling for details of approved building plan along with stop work order stating that failure to comply would result in the building being lock and sealed.

(iii) The petitioner has leased out the building to small eatery and shops and his entire livelihood depends on the source of rental income from the said property. Apart from that, there are more than 20 persons employed in the eatery and shops. The petitioner filed Special Revision application under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 along with the stay petition and the same is pending. Hence, the present writ petition has been filed with the aforesaid relief.

4. Heard the learned counsel for the petitioner and perused the materials available on records.

5. Since the petitioner has filed an appeal under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, without going into the merits of the claim made by the petitioner, the 1st respondent is directed to pass orders on the same on merits in accordance with law, within a period of three months from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed."



W.P.No.17732 of 2026

7. When the appeal filed by the petitioner, which was directed to be disposed of within a period of three months, is still pending, now the impugned lock and seal notice dated 20.3.2026 has been issued by the respondent Municipality, followed by lock and seal order dated 17.4.2026 directing locking and sealing of the petitioner's property.

8. Even though the appeal is pending before the appellate authority, since the appeal was preferred as against the notice calling for approved plan and the present lock and seal order has been issued for proceeding with the enforcement action, the petitioner is relegated to appellate authority for filing an appeal against the impugned lock and seal order.

9. If the petitioner files an appeal under Section 80A(3) of the Act challenging the impugned lock and seal order within a period of two weeks from the date of receipt of a copy of this order, the appellate authority shall consider and dispose of the appeal along with the appeal which is already pending and pass a detailed order on merits and in accordance with law, after affording a reasonable opportunity of hearing to all parties concerned, within a period of three months thereafter.



W.P.No.17732 of 2026

WEB COPY

10. It is made clear that till the final order is passed in both the appeals, the lock and seal notice as well as the lock and seal order impugned in this writ petition shall be kept in abeyance.

With the above observation, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
30.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The Principal Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai -600009
- 2.The Assistant Joint Director of Town
and Country Planning,
Town and Country Planning Office,
FCI Road, Gandhinagar,
Ganapathy, Coimbatore -641004.
- 3.The Commissioner /Member Secretary,
Pollachi Local Planning Authority,
Pollachi Municipality, Pollachi,
Coimbatore District - 642001



WEB COPY



W.P.No.17732 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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W.P.No.17732 of 2026

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