



WEB COPY

WP No. 18271 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-05-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

AND

THE HON'BLE MR.JUSTICE P.B. BALAJI

WP No. 18271 of 2026

1. Abdul Haleem
2. Sri Niwas Muralidharan
3. B.Sherin Paul

..Petitioner(s)

Vs

1. The Municipal Commissioner
Nagapattinam Municipality,
Nagapattinam Taluk and District.
2. Government of Tamil Nadu
Rep by Secretary Housing and
Urban Development Department
Fort St. George, Chennai-09.
3. V.Kumar

..Respondent(s)

Writ Petition under Article 226 of Constitution of India issuing writ of mandamus for directing the respondents or anyone claiming through them to forbear from interfering with the enjoyment of the Commercial portions in question by the petitioners namely the premises bearing Door No.27/1 Now 48, Neela Mela Street, Nagapattinam, Nagapattinam Taluk and District, Block No.15, ward No.3, Town Survey No.1249, Sub Division Survey No. 1249/ 1 except as contemplated under Section 56 (2) Proviso of the Tamil Nadu Town and Country Planning Act, 1971.



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For Petitioner(s): Mr.S.Sadasharam
For Respondent(s): Mr.P.Srinivas
Standing Counsel for R1
Mr.M.Murali
Government Advocate for R2

ORDER

(Order of the Court was made by S.Sounthar J.)

Writ Petition has been instituted directing the respondents or anyone claiming through them to forbear from interfering with the enjoyment of the Commercial portions in question by the petitioners namely the premises bearing Door No.27/1 Now 48, Neela Mela Street, Nagapattinam, Nagapattinam Taluk and District, Block No.15, ward No.3, Town Survey No.1249, Sub Division Survey No. 1249/ 1 except as contemplated under Section 56 (2) Proviso of the Tamil Nadu Town and Country Planning Act, 1971.

2. The case of the petitioner is that proceedings under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity, hereinafter referred to as 'the Act'), were initiated against the 3rd respondent, who is the owner of the subject premises. Pursuant thereto, the 1st respondent issued an order dated 09.04.2026, referring to the order passed by the Government of Tamil Nadu in the application filed under Section 80-A of the said Act. The aforesaid order dated 09.04.2026 was affixed at the premises in question, which



is under the occupation of the petitioners for commercial purposes. The said order was addressed only to the owner/3rd respondent, who is not in occupation of the premises. The petitioners submit that no notice, as contemplated under the proviso to Section 56(2) of the Tamil Nadu Town and Country Planning Act, 1971, was served upon them as occupiers of the premises.

3. When the matter is taken up for hearing, learned counsel for the petitioner would submit that the 1st respondent served a notice to the petitioner under Section 56(2) of the Tamil Nadu Town and Country Planning Act, 1971 yesterday evening i.e., on 06.05.2026. The copy of the notice is placed before this Court.

4. Learned counsel for the petitioner further submits that under proviso to Section 56(2), 30 days notice is mandatory. However, 1st respondent has issued only 7 days notice.

5. In view of the statutory mandate under proviso to Section 56(2), 7 days period mentioned in the notice issued by the 1st respondent in proceeding made in Na.Ka.No.1341/2024/F.1, dated 06.05.2026 shall be read as 30 days, as proviso to Section 56(2) shall be read along with Section 56(1) of the Act.

6. The petitioner is at liberty to respond to the notice within the time



stipulated above.

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7. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.S.,J.) (P.B.B.,J.)
07-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD

To

1. The Municipal Commissioner
Nagapattinam Municipality,
Nagapattinam Taluk and District.
2. Government of Tamil Nadu
Rep by Secretary Housing and
Urban Development Department
Fort St. George, Chennai-09.



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**S.SOUNTHAR, J.
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