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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 25284 of 2026

CNR: {HCMA011451092026}

A.M.Xavier

..Petitioner(s)

Vs

1. The State of Tamil Nadu
   Rep. by its Principal Secretary to
   Government,
   Municipal Administration and Water Supply
   Department,
   Secretariat, Chennai-600 009

2. The Commissioner
   Udhagamandalam Municipality,
   Udhagamandalam-643 001

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorarified mandamus to call for the records relating to Notice vide Na.Ka. No.5625/ 2025/ F1 dated 13.05.2026 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to remove the lock and seal of the premises and permit the petitioner to continue the rectification of the deviations within the time stipulated by this Court.

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For Petitioner(s): Mr.D.G.Hariprasath

For Respondent(s): Mr.S.Rishab Narayan
Government Advocate For R-1
Mr.P.Srinivas For R-2

ORDER

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

The present writ petition has been instituted to challenge the lock and seal notice dated 13.05.2026 issued by the 2nd respondent.

2. Since petitioner has preferred an appeal challenging the lock and seal notice, the present writ petition is not entertainable. Even in case where lock and seal notice has been issued under the Tamil Nadu Town and Country Planning Act, an appeal would lie under Section 80-A of the Act. Petition filed without exhausting the statutory remedy is not entertainable. In the present case, appeal filed by the petitioner is pending.

3. However, learned counsel for the petitioner would submit that petitioner is ready and willing to rectify the deviations within a period of four months.

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4. Since petitioner is ready and willing to rectify the deviations, this Court is inclined to grant time to the petitioner to carry out deviation works. In view of the submission, petitioner is directed to rectify the deviation and demolish the unauthorized construction and restore the building as per the building plan permission granted by the competent authorities within a period of three months from the date of receipt of a copy of this order. In the event of failure on the part of petitioner, respondent shall initiate enforcement action and demolish any unauthorized construction / deviation, and recover the cost from the petitioner under the provisions of the Act.

5. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (R.R.V.,J.)
28-10-2026

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

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To

1. The State of Tamil Nadu
   Rep. by its Principal Secretary to
   Government,
   Municipal Administration and Water Supply
   Department,
   Secretariat, Chennai-600 009

2. The Commissoner
   Udhagamandalam Municipality,
   Udhagamandalam-643 001

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S.M.SUBRAMANIAM, J.
AND
R.RAJESH VIVEKANANTHAN, J.

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