



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P. No. 44627 of 2025

V.Balachandran,
S/o.Viswanathan,
No.849/850,
Vadkku Street, Kuruppanaickenpalayam,
Bhavani Taluk,
Erode District.

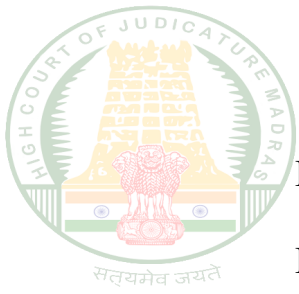
..Petitioner

Vs

The Assistant Director of Town and Country
Planning,
District Town and Country Planning Office,
Sampath Nagar,
Erode-638 011.

..Respondent

Prayer : Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to de-seal the premises so as to enable the petitioner to sell petitioner's property by considering the petitioner's representation dated 21.07.2025 given to the respondent within a time frame.



For Petitioner:

Mr.R.Prabakar

For Respondent:

Mr.L.S.M.Hasan Faizal, AGP

WEB COPY

ORDER

By this writ petition, the petitioner seeks for a direction to the respondent to de-seal the premises, so as to enable him to sell his property, by considering his representation dated 21.07.2025 given to the respondent, within a time frame.

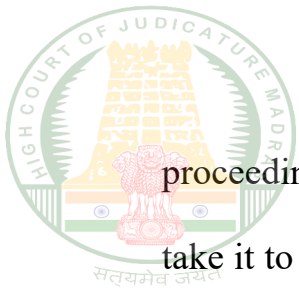
2. The petitioner is the owner of the property situated in S.F.No.70/3, New S.F.No.70/3D1, Urachikottai village, Bhavani Taluk, Erode District. He purchased the property by way of a registered document in Document No.1818/2014, dated 24.02.2014. He pleads that, he decided to start a yarn twisting/doubling unit in the said site. He urges that he had applied to the respondent, stating that he requires the vacant land for constructing a cottage industry. But the Block Development Officer of the concerned block had granted permission to put up only a residential unit. On the strength of the building plan, the petitioner had occupied the building and started running the industrial unit.

3. One of the neighbours, by name Mr.K.S.Srinivasan, approached this Court in W.P.No.26375 of 2021. He sought a Writ of Mandamus to direct the



District Collector, Erode, and the Superintendent Engineer, TANGEDCO, to take action on his representation dated 06.10.2021, whereunder he sought for closure of the petitioner's unit. This Court, by an order dated 15.12.2021, directed the TANGEDCO to pass appropriate orders. Mr.K.S.Srinivasan moved another writ petition in W.P.No.32319 of 2022. In the said writ petition, this Court called for a status report from the respondents therein. The respondent had inspected the property, albeit with some delay and submitted a report that the activity carried on by the petitioner is illegal and contrary to the approved plan. Consequently, he passed an order directing the local body to lock and seal the premises. The electricity authorities were also directed by this Court, on the basis of the proceedings dated 22.07.2024, to disconnect the electricity to the petitioners' property.

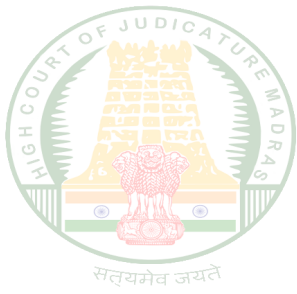
4. The petitioner approached the District Collector with a request that, on account of the sealing of the premises, he is not in a position to service the loan that he had availed for setting up the unit. He requested de-sealing of the premises, in order to enable him to sell the property. As no action was forthcoming, the petitioner moved a writ petition in W.P.No.15054 of 2025, seeking a relief to permit him to remove the machineries kept in his premises. This Court, by an order dated 15-10-2024 in W.P.No.30191 of 2024, directed the respondents to afford an opportunity to the petitioner and thereafter, pass an order on his request of removal of machineries. Pursuant thereto, the



proceedings were issued permitting the petitioner to remove the machinery and take it to a different premises. The petitioner also states that he has since moved the machinery to a rented premises, and is operating his unit therein.

5. As the purpose for which the petitioner purchased the premises had been rendered otiose, the petitioner has decided to sell the property. Since the locking and sealing has continued, he gave a representation dated 21.07.2025, seeking permission to de-seal the premises so as to proceed further with the sale. The respondent took a stand that, as the sealing of the premises had taken place pursuant to the orders of this Court, the petitioner has to approach this Court and get orders even for de-sealing. Hence, the present writ petition.

6. When the matter came up for admission, Mr.L.S.M. Hasan Faizal took notice for the respondent. He sought time to get instructions. Accordingly, I posted the matter today. Today, when I took up the matter for hearing, Mr.L.S.M.Hasan Faizal has produced the instructions given by the Deputy Director, District Town and Country Planning Office, Erode. The same is scanned and extracted hereunder:



WEB COPY

WP No. 44627 of 2



From, Mr.V.Yuvaraj., M.E., Deputy Director(i/c), District Town and Country Planning Office, Sampath Nagar, Uzhavar santhai Back side gate, Erode-638011.	To. The State Government Pleader, Hon'ble High Court, Chennai.
--	---

ROC.No.1025/2025/ED2 Date: 25/11/2025

Subject: Submitting Status Report - District Town and Country Planning Office - Erode District - Bhavani Taluk - Bhavani Panchayat Union - Kuruppanayakkanpalayam Panchayat (Village) - Request for permanent removal of the sealing done on the unauthorized construction situated in R.S.No.70/3D1 - Writ Petition W.P.No.44627/2025 has been filed before the Hon'ble High Court of Madras - Submission of report - Reg.

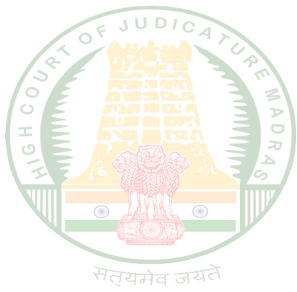
Sir/Madam,

1. In the case W.P.No.32319/2022 filed by the petitioner Thiru. K.S. Srinivasan before the Hon'ble High Court of Madras, in the order dated 25.03.2024, the Hon'ble Court directed that appropriate action be taken against the unauthorized construction put up by the Thiru V. Balachandran (7th respondent) in the said case.

2. In Erode District, Bhavani Taluk, Bhavani Panchayat Union, Kuruppanayakkanpalayam Panchayat and Village, in Re-survey No. 70/3, through the building approval No. 42/2020-2021 dated 09.12.2020, the President of Kuruppanayakkanpalayam Panchayat, had granted building permission for a residential building. However, Thiru V. Balachandran has been using the said building as an industrial facility in violation of the permission granted.

3. With respect to this issue, the case W.P.No.32319/2022 was taken up for hearing before the Hon'ble High Court of Madras on 22.07.2024.

"During the said hearing, it was observed that "the 7th respondent in this case, Thiru V. Balachandran, had obtained building permission from the local body for a residential building, but contrary to the said permission, he has been using it as an industrial building. This is illegal. Therefore, the said building shall be immediately sealed, and a status report regarding the same shall be submitted before the Hon'ble High Court of Madras on 23.07.2024."



WEB COPY

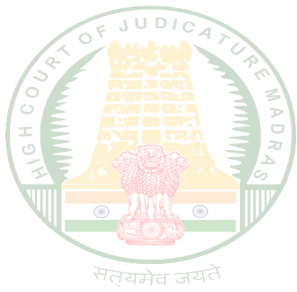
4. Consequent to the above directions and upon receiving the instruction to seal the said construction immediately and report the sealing action, the Block Development Officer, Bhavani, and the President, Kuruppanayakkanpalayam Panchayat, sealed the building on 22.07.2024.

5. In this situation, Thiru. Balachandran has filed a case before the Hon'ble High Court of Madras in W.P.No.15054/2025, wherein he, as the owner of the industrial building, has submitted the following petition.

"I submit that, the Block Development officer (2nd respondent) taken another stand while responding to the letter of the District Collector that I have not obtained running license and I applied for the same and approached this Hon'ble Court by filing W.P.No. 30191 of 2024 and the same was disposed on 15.10.2024 with the direction to consider and pass orders. Thereafter the Block Development officer (2nd respondent) sent communication dated 01.03.2025 stating that it is for the Assistant Director, District Town and Country Planning, Erode District, (1st respondent) to consider for re-opening the industry because the same was closed pursuant to the order of the Assistant Director, District Town and Country Planning, Erode District, (1st respondent). I submit that now I have decided to shift the place of my tiny industry itself to other place, hence, I have to remove the machineries from the present unit situated in S.F.No. 70/3D1, Urachikottai Village, Bhavani Taluk, Erode District, to set up in another place. I submit that, I approached the Assistant Director, District Town and Country Planning, Erode District, (1st respondent) along with the order of the the Block Development officer (2nd respondent) to enable at lease to permit me to open the seal to remove the machineries, however the Assistant Director, District Town and Country Planning, Erode District, (1st respondent) has advised me to approach this Hon'ble Court to get permission for removing the machineries from my closed unit. Hence I am approaching this Hon'ble court".

6. Subsequently, in W.P. No. 15054/2025 dated 10.06.2025, the Hon'ble High Court of Madras, Chennai, has delivered the following order.

"Considering the the facts and circumstances of the case, the respondents are directed to remove the lock and seal for a period of 15 days so as to enable the petitioner to remove the machineries. The



WEB COPY

WP No. 44627 of 2



respondents are at liberty to supervise the removal of the machineries.
Post the matter 'for reporting compliance' on 30.06.2025

This matter is listed on 30.06.2025 under the caption "for reporting compliance."

When the matter is taken up today, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents submitted that the order passed by this Court dated 10.06.2025 has been complied and hence no further order is required in this writ petition".

7. After the building owner removed the materials inside the building and vacated the premises, it was again sealed on 03.07.2025 by the Bhavani Block Development Officer (the concerned local authority). It continues to remain sealed till date.

8. At present, Mr. Balachandran, the petitioner, has filed a case before the Hon'ble High Court of Madras in W.P. No. 44627 of 2025 on 03.11.2025, seeking permanent removal of the seal placed on the above-mentioned building for the purpose of selling the said property.

9. In connection with the said case, this office conducted an inspection of the building and found that the building is empty with no materials inside, and that it has been sealed by the local body. Therefore, a note is submitted regarding obtaining a court order from the local body for opening and removing the seal.


Deputy Director(i/c)
District Town and Country Planning office
Erode District.

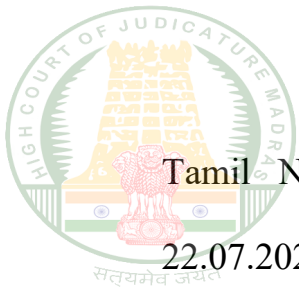


7. A perusal of the instruction reveals that the inspection had been conducted with respect to the building standing in R.S.No.70/3. The inspection report has revealed that the property is vacant. A stand has been taken by the respondent that, as the sealing was done by the local body, de-sealing too, is to be done by the said authority. Hence, Mr.L.S.M.Hasan Faizal pleads that an appropriate direction may be given to the respondent to enable them to do the needful.

8. I have carefully considered the submissions of both sides and I have gone through the records.

9. Mr.R.Prabakar, inviting my attention to paragraph 14 of the affidavit filed in support of the writ petition, states that the petitioner is willing to dismantle the structure standing over the property and restore the same to its original position, as it stood prior to obtaining the building approval. He adds that, if sufficient time is granted, the petitioner will ensure that the structures are removed and he would also alienate the property to a third party, without utilising the premises as he did before.

10. It is not in dispute that it was the local body, which had sealed the premises. It had not done on its own accord. It was pursuant to an order passed by this Court, calling upon the respondent to exercise its powers under the



Tamil Nadu Town and Country Planning Act, 1971. The order dated 22.07.2024, was the cause for the local body to lock and seal the premises. The said order was passed by the Assistant Director of Town and Country Planning Department. As the petitioner is willing to dismantle the superstructure, there shall be a direction to the respondent to pass an appropriate order to the local body, to unlock and de-seal the premises of the petitioner for a period of **two months**. Within the period granted, the petitioner shall remove all the superstructures constructed therein and restore the property to its original position. The averment in paragraph 14 of the affidavit, that the petitioner will not utilise it for any other purpose, is recorded as an undertaking given by the petitioner to this Court.

11. The writ petition stands disposed of on the above terms. No costs.

26-11-2025

Index : Yes/No

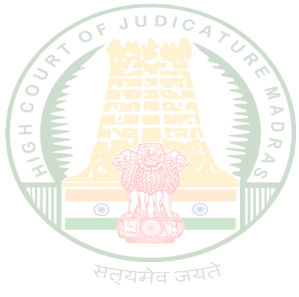
Internet : Yes/No

Neutral Citation : Yes/No

Kj

To

The Assistant Director of Town and Country Planning,
District Town and Country Planning Office,
Sampath Nagar, Erode-638 011.



WEB COPY

WP No. 44627 of 2



V.LAKSHMINARAYANAN, J.

kj

WP No. 44627 of 2025

26-11-2025