

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P.No.2689 of 2011

1. Mrs. Lakshmi
2. Ms. M. Balakrithiga

..Petitioners

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Town and Country Planning,
Chennai - 600 002.
3. The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Shopping Complex,
Shivananda Colony, Tatabad,
Coimbatore.12.
4. The Executive Officer,
Thudilayur Town Panchayat,
Coimbatore.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the proceeding of the 3rd Respondent dated 02.12.2010 made in Na.Ka.No.2591/2007/LPA3 and the consequential proceedings of the 3rd Respondent dated 21.12.2010 made in Lr.No.2591/2007/LPA-3 and to quash the proceedings of Respondents dated 02.12.2010 and 21.12.2010 and consequently direct the Respondents to collect the infrastructure and amenity charges as per the rules at the rate of Rs.75/-per sq.metre for 270 sq.metre for the building situated at S.F.No.99/3 Part KNG Pudur, Tudiyalur Panchayat, Coimbatore North Taluk and District.

For petitioners : Mr. A. Jenasanen

For respondents : Mr. P.H.Aravind Pandian
Addl. Advocate General
assisted by

Mrs. A. Srijayanthi
Spl. Govt. Pleader

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Questioning the proceedings dated 02 December 2010 of the Secretary, Town Scheme Committee, Coimbatore and also the consequential locking, sealing and demolition notice dated 21 December 2010 issued by the third respondent under Section 56 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"), the petitioners have come up with the instant writ petition.

2. Challenge to the impugned notices is on several grounds, which, we are not inclined to advert to, at this stage, as the statutory remedy of making an application under Section 80-A of the Act is available to the petitioners.

3. Learned counsel for the petitioners submits that on account of pendency of this writ petition, the period of limitation for preferring an application before the first respondent-Government has expired. Thus, the said period may be condoned.

4. Learned Additional Advocate General appearing for the respondents submits that on merit, the petitioners have no case.

5. Be that as it may, having regard to the well settled principle of law, we are not inclined to adjudicate the matter at this stage, as statutory remedy is available to the petitioners.

Thus, the writ petition is dismissed. However, the petitioners are at liberty to take recourse to the statutory appellate forum, as aforestated, under the provisions of law, if so advised, within a period of two weeks from today. If such an application is made within the specified time, the question of limitation need not be considered by the statutory competent forum. No costs. Connected miscellaneous petition is closed.
ra

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

WEB COPY

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The Director of Town and Country Planning,
Chennai - 600 002.
3. The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Shopping Complex,
Shivananda Colony, Tatabad,
Coimbatore.12.
4. The Executive Officer,
Thudilayur Town Panchayat,
Coimbatore.

+1 C.C. To MR.Jenasenan, Advocate in SR.NO.67278

+1 C.C. To Government Pleader in SR.NO.67244

W.P. No.2689 of 2011

MG(CO)

sd : 23/12/2015



WEB COPY