

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No.35386 of 2015 and M.P. Nos.1 & 2 of 2015

M/s. Sree Kumaran Promoters,
rep. By its Managing Partner,
R. Kailasam,
No. 138 Perundurai Main Road,
Thindal Post, Erode 638 012.

Petitioner

vs.

The Deputy Director (I/c)
Town and Country Planning
Salem Region
No.6, Sannadhi Street
Subramaniya Nagar
Suramangalam
Salem 636 005

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to orders made in Na.Ka.No.148/15 Proc.3 dated 14.07.2015 and Na.Ka.No.148/15 Proc.3 dated 14.08.2015 and the consequential orders made in Na.Ka.No.148/15 Proc.3 dated 08.10.2015 and 09.10.2015, passed by the respondent and quash the same and forbear the respondent from locking and sealing the approved office room, warden room and wash room in the slit portion No.S1 in Sree Kumaran Towers A Block situated at Door No.138, Perundurai Main Road, Thindal Post, Erode 638 012 in pursuant to the impugned orders.

For petitioner

Mr. G. Ethirajulu
for
Mr. P. Mani

For respondent

Mr. P.S.Sivashanmugasundaram
Spl. Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed assailing the legality and validity of the notices dated 14.07.2015 and 14.08.2015 issued by the respondent under Sections 85 read with sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act") and also the consequential orders dated 08 October 2015 and 09 October 2015 passed by the respondent. Besides, a direction is also sought to forbear the respondent from locking and sealing the premise which is under the occupation of the petitioner, in pursuance of the impugned orders.

3 We have heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

4 It is to be noted that as against the impugned notices passed under Section 85 read with Sections 56 and 57 of the Act, statutory remedy is available by way of filing an application before the Government under Section 80-A of the Act. Needless to state that under Section 80-A(3) of the Act, there is also a provision for seeking interim relief. As such, there is no reason to bypass or sidestep the concerned jurisdiction to invoke the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

5 We, accordingly, dismiss the writ petition, reserving liberty to the petitioner to take recourse to the appropriate forum, if so advised. For a period of two weeks from today, there shall be an order of status quo as obtained today, in respect of the property in question, to enable the petitioner to prefer application as against the impugned notices, if so advised. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

/True Copy/

Sus Assistant Registrar

ra

To

The Deputy Director (I/c)
Town and Country Planning
Salem Region
No.6, Sannadhi Street
Subramaniya Nagar
Suramangalam,
Salem 636 005

+1 CC to Mr.P.Mani, Advocate SR.No.60144)

+1 CC to The Government Pleader High Court, Madras (SR.No.60291)

W.P. No.35386 of 2015

CO-JSV

SD : 23.11.2015



WEB COPY