

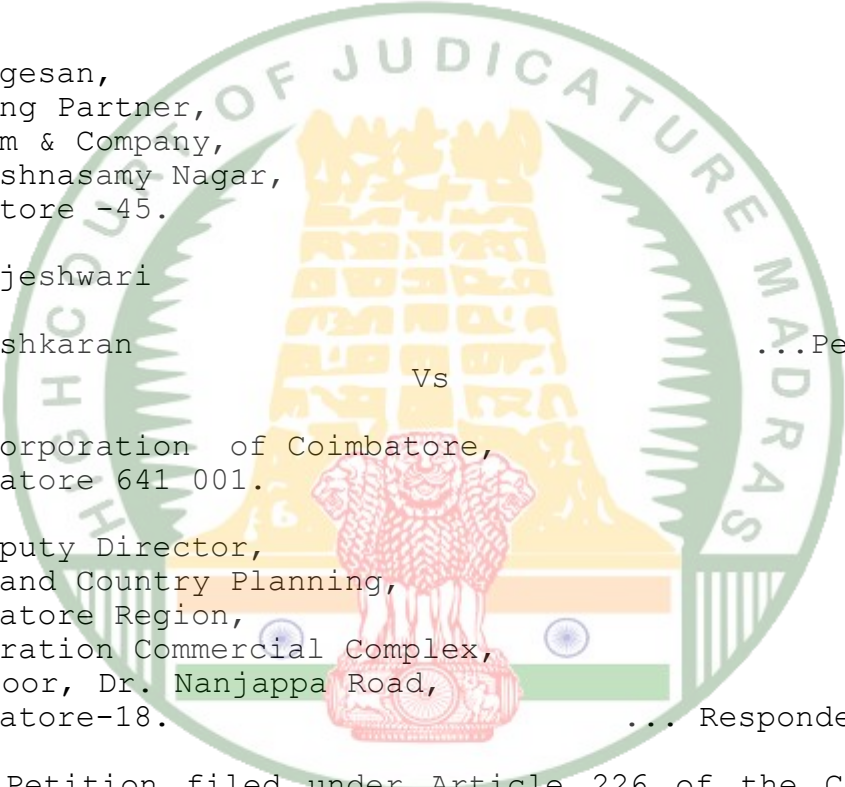
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM:

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

W.P. No.39611 of 2015

- 
1. S. Murugesan,
Managing Partner,
Attiram & Company,
78 Krishnasamy Nagar,
Coimbatore -45.
2. Mrs. Rajeshwari
3. T. Danushkaran
-Petitioners
- Vs
- 1 The Corporation of Coimbatore,
Coimbatore 641 001.
2. The Deputy Director,
Town and Country Planning,
Coimbatore Region,
Corporation Commercial Complex,
2nd Floor, Dr. Nanjappa Road,
Coimbatore-18.
- Respondents

Writ Petition filed under Article 226 of the Constitution seeking a writ of mandamus directing the 2nd respondent not to take any action as per the notice Form No.II in Roc No. 3504/2015/CR 4 dated 3.11.2015 issued by them until the petitioners submit and get the required approvals to run the departmental stores in the premises which was initially a movie theatre.

For petitioners Mr.S.V. Pravinrathinam

For R1 Mr. K. Natarajan
SC (CBE)

For R 2 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI,J.,)

Mr. K. Natarajan, learned standing counsel, accepts notice for the first respondent. Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the second 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 seeking a direction to the second respondent not to take any action as per the notice dated 03 November 2015, until the petitioners get the required approvals to run the departmental stores in the premises in question.

3 It is to be noted that as against the notice dated 03 November 2015 issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "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.

4 We, accordingly, dismiss the writ petition, reserving liberty to the petitioners to take recourse to the appropriate forum, if so advised. For a period of one week from today, there shall be an order of status quo as obtained today, in respect of the property in question, to enable the petitioners to prefer application as against the impugned notice, if so advised. Costs made easy.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

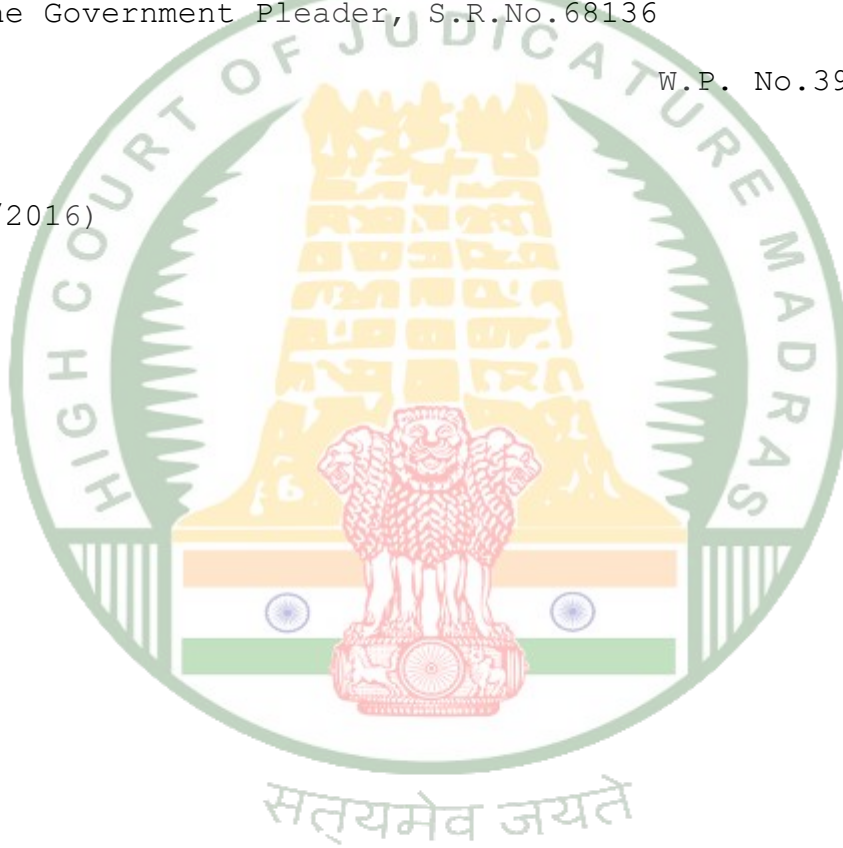
- 1 The Corporation of Coimbatore,
Coimbatore 641 001.
2. The Deputy Director,
Town and Country Planning,
Coimbatore Region,
Corporation Commercial Complex,
2nd Floor, Dr. Nanjappa Road,
Coimbatore-18.

+lcc to Mr.Pravin Rathinam, Advocate, S.R.No.68700

+lcc to the Government Pleader, S.R.No.68136

W.P. No.39611 of 2015

vd(CO)
srg(12/01/2016)



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