

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 22-04-2015

Coram

The Honourable Mr. Justice SATISH K. AGNIHOTRI
and
The Honourable Mr. Justice M. VENUGOPAL

W.P.No.6285 of 2015 and M.P.No.1 of 2015

1 S.Pirayon
Partner M/s. J.P.S. Promoters No.7B
Imperial Road Thirupathiripuliyur
Cuddalore-2. Petitioner

Vs

1 The Commissioner
Cuddalore Municipality Cuddalore.
2 The Member Secretary
Cuddalore Local Planning Authority
Cuddalore. Respondents

Petition under Article 226 of the Constitution of India praying for a writ of certiorari to call for the records of the Impugned Notice dated 23.02.2015 in Notice No. Ka.V.No. 37/2013/ Na.Ka.No. 4256/2012/F1 issued by the 1st respondent herein and quash the same

For petitioner :: Mr. G. Muthukumar
For respondents :: Mr. P.S. Shivashanmugha Sundaram,
Spl.G.P.

ORDER

(Order of the Court is made by SATISH K. AGNIHOTRI, J.)

The writ petition is filed challenging the Notice dated 23.02.2015 in Notice No. Ka.V.No. 37/2013/ Na.Ka.No. 4256/2012/F1 issued under Sections 339 (2), 340(1), 344 of Tamil Nadu District Municipalities Act, by the first respondent herein.

2. Mr. P.S. Shivashanmugha Sundaram, learned Special Government Pleader takes notice for the respondents.

3. The learned counsel appearing for the petitioner submits that the impugned notice has been assailed before the appellate-authority and the petitioner be permitted to file a copy of the appeal at this stage.

4. It is not necessary to file a copy of the appeal, since the

matter is pending before the appellate authority. Since the impugned notice, which is under challenge is also the subject matter of appeal, we are not inclined to interfere with the notice or appeal, at this stage. However, we make this clear if the statutory appeal is pending consideration before the appellate authority, the appellate authority shall consider the same and take decision, expeditiously. The petitioner is at liberty to pursue the appeal for interim relief.

6. The writ petition is disposed of, accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp

To

1 The Commissioner
Cuddalore Municipality Cuddalore.

2 The Member Secretary
Cuddalore Local Planning Authority
Cuddalore.

2 cc to Mr.G.Muthukumar ,Advocate, SR.No.21864

W.P.No.6285 of 2015

ssi(co)

pmk.19.5.2015

सत्यमेव जयते

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