



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

Writ Petition (MD) No.16926 of 2015 and MP(MD)No.2 of 2015

1.M.Adbul Rahman
2.A.Mohamed Aliar
3.A.Padar Kasim
4.A.Meera Sahib
5.A.Sahul Hameed
6.A.Shajahan
7.A.Nabeel
8.Raheema Beevi
9.Jasim Samsudeen
10.Abdul Jameel
11.Mohmad Kasil

... Petitioners

Vs.

1.The Director,
Town and Country Planning,
Chennai.

2.The Commissioner,
Town and Country Planning,
Chennai.

3.The Local Planning Authority,
Tuticorin

4.The Commissioner,
Tuticorin Corporation,
Tuticorin.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Proceedings in Na.KA.n0.6348/2015/BA1 dated 29.7.2015 of the 1st Respondent confirming the order of the 3rd Respondent dated 03.06.2013 and quash the same and consequently direct the Respondents to remove the lock and seal embodied in building in T.S.No.3879 Tuticorin Doovipuram 7th Street shop No.7B 7C 7D 7E 7F 7G 7H 7I. 7J 7K 7L.

For Petitioner

: Mr.P.Balamurugan

For Respondents

:Mr.C.Selvaraj,
Special Government Pleader.



ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

Challenging the impugned order of the first respondent dated 29.07.2015, the present writ petition has been filed.

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2. According to the petitioners, they are the owners of the property in S.No.3879 to an extent of 9 cents. The petitioners have constructed a residential house in an area of 7 cents and in the remaining two cents, they have constructed shops. While so, the fourth respondent issued notice on 07.08.2012 stating that shops were constructed without any building permission. Thereafter, the third respondent has issued notice dated 12.12.2012 directing the petitioners to get planning permission as per Section 49 of the Town and Country Planning Act, 1971. Again, the third respondent has issued another notice dated 19.02.2013 in conformity with the earlier notices dated 12.12.2012 and 10.01.2013. According to the petitioners, while the process of planning permission was pending before the third respondent, the third respondent issued the impugned order dated 03.06.2013 to lock and seal of the building without giving opportunity to them.

3. It is further stated that they submitted an application with all relevant documents to the appellate authority on 30.10.2013. Though the application was submitted to the appellate authority, the third respondent being a forwarding authority, rejected the same by an order dated 09.04.2013 stating that the building was not constructed with the Development Control Rules 2008 and directed the petitioner to resubmit the revised plan with sketch.

4. In such circumstances, they made an application under Section 80 of the Town and Country Planning Act, 1971 dated 30.03.2015 before the Director, Town and Country Planning, the first respondent herein to revise the order dated 03.06.2013 issued by the third respondent. The first respondent rejected the revision petition by the impugned order dated 29.07.2015 on the ground that the required documents were not filed along with the revision petition.

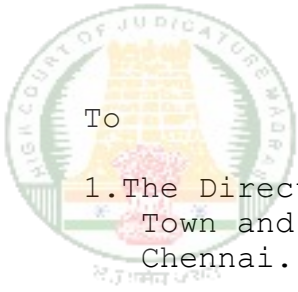
5. The present writ petition has been filed primarily contending that there is violation of principles of natural justice. We find no reason to interfere with the order under challenge because despite several opportunities were given to the petitioners, they were not chosen to submit the required documents as pointed out by the authorities. Hence, it is always open to them to approach the authorities with relevant documents as per the relevant rules.

6. The writ petition is dismissed accordingly. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar



To

1.The Director,
Town and Country Planning,
Chennai.

2.The Commissioner,
Town and Country Planning,
Chennai.

3.The Local Planning Authority,
Tuticorin

4.The Commissioner,
Tuticorin Corporation,
Tuticorin.

+1cc to Mr.A.Selvendran, Advocate SR.No.57240

+1cc to The Special Government Pleader, Madurai. SR.No.57139

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28.09.2015

sms

NS/SKS-RR/14.10.2015 : 3P/7C