



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.2399 of 2015

and

M.P(MD)No.1 of 2015

SPN.Krishnamoorthy
Proprietor Hotel Royal Sathyam,
42-A, Singarathope,
Tiruchirappalli 620 008.

...Petitioner

Vs.

1.The Commissioner,
Town and Country Planning
Anna Salai, Chennai 600 002.

2.The Assistant Director/Member Secretary
Town and Country Planning,
Tiruchirappalli Local Planning Authority
10, Williams Road, Cantonment,
Tiruchirappalli 620 001.

3.Tiruchirappalli City Municipal Corporation,
represented by its Commissioner,
Cantonment, Tiruchirappalli 620 001.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records culminated in the impugned notice dated 02.01.2015 in Rc. No. F2/11396/2004/Maiyam dated 02.01.2015 on the file of the 3rd Respondent and quash the same as illegal unenforceable ultravires without jurisdiction.

For Petitioner : Mr.K.S.Sankhar Murali
For Respondents 1&2 : Mr.S.Sadeeshkumar,
Additional Government Pleader.
For 3rd Respondent : Mr.V.S.Karthikeyan,
Additional Government Pleader.

O R D E R

The present writ petition has been filed to quash the notice issued by the third respondent dated 02.01.2015.

2.The grievance of the petitioner is that as per the impugned notice he has to submit a revised plan. However, as against the impugned notice, the petitioner has preferred an appeal before the first respondent and therefore, in the interregnum period, the impugned notice has to be suspended and there cannot be any demolition of the building. In support of his submission, he relied upon a decision of this Court reported in (2007) 1 MLJ 228 (M.Seeniappan Vs.Director of Town & Country Planning, Chennai and others).



3. In the above said decision, this Court only directed the authorities to dispose of the appeal filed by the petitioner therein and no action could be taken during the pendency of the appeal.

4. In view of the above, the first respondent will consider the appeal and pass appropriate orders, on merits and in accordance with law, after giving sufficient opportunity to all the parties concerned within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that pending final orders to be passed in the appeal, the petitioner shall not continue with the further construction and the competent authority shall not take any action with regard to the demolition of the building in question.

5. The writ petition is disposed of on the above terms. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner,
Town and Country Planning
Anna Salai, Chennai 600 002.

2. The Assistant Director/Member Secretary
Town and Country Planning,
Tiruchirappalli Local Planning Authority
10, Williams Road, Cantonment,
Tiruchirappalli 620 001.

3. The Commissioner,
Tiruchirappalli City Municipal Corporation,
Cantonment, Tiruchirappalli 620 001.

+1cc to Mr.K.S.Sankar Murali, Advocate in SR.8567

+1cc to the Special Government Pleader in SR.8883

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24.02.2015

sms

pbk 03/03/2015 ::2p-6c: