



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.12588 of 2014
and
W.M.P.(MD) Nos.1 to 5 of 2014

Karandhai Tamil Sangam

: Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Commissioner,
Thanjavur Corporation,
Thanjavur District.

3.The Member Secretary,
Local Planning Authority,
Thanjavur,
Thanjavur District.

4.The Deputy Director of Town and Country Planning,
Thanjavur Region,
Thanjavur District.

5.V.Arivudainambi

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.794/2014/Tha.Vu.Thi.Ku dated 04.07.2014 and quash the same as illegal and consequentially forbear the respondents from in any way sealing or locking the petitioner's premises in Ward No.2, Block No.63, 64 & 71 Na.Aa.No.2054, 2118 to 2123, 2156, 2157, 2135, 2171/1,2,2300/1A7, 2163, Thanjavur District.

For Petitioner

: Mr.C.Venkatesh Kumar
for M/s. Ajmal Associates

For Respondents 1, 3 & 4

: Mr. M.Govindan
Special Government Pleader

For Respondent No.2

: Mr.S.Pakalavan

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The writ petitioner challenges the order dated 04.07.2014, issued by the third respondent proposing to take action under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971.

2. It is seen that before issuing the impugned order dated 04.07.2014, notice was issued on 26.06.2014. The writ petitioner had submitted a reply dated 02.07.2014. Not satisfied with the reply, the third respondent authority had issued the impugned communication, calling upon the writ petitioner to restore the *status-quo* as on date.

3. The remedy open to the writ petitioner is to move the appropriate authority either by way of an appeal or revision. It is not open to the writ petitioner to straight away invoke the jurisdiction under Article 226 of the Constitution of India. The writ petitioner is given thirty days time to move the appellate or revisional authority. The third respondent shall not take any coercive action in the mean while. If the writ petitioner invokes the jurisdiction of appropriate authority within thirty days from the date of receipt of a copy of this order, it is certainly open to the writ petitioner to pray for an interim protection, pending disposal of the appeal or revision.

4. The writ petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Thanjavur District, Thanjavur.
2. The Commissioner, Thanjavur Corporation, Thanjavur District.
3. The Member Secretary, Local Planning Authority, Thanjavur, Thanjavur District.
4. The Deputy Director of Town and Country Planning, Thanjavur Region, Thanjavur District.

+One cc to M/s.Ajmal Associates, Advocate, SR.No.68469

+One cc to The Special Government Pleader, SR.No.68985

MR/TA/AKV

<https://hcservices.courts.gov.in/hcservices/> B1/7C/2P/KD/SAR2/23/8/2017

ORDER MADE IN

W.P. (MD) No.12588 of 2014

27.07.2017