



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.10369 of 2017

and

W.M.P (MD) Nos.7944, 7945 and 8517 of 2017

WEB COPY

The Branch Manager,
Muthoot Finance Ltd.,
Anna Nagar Tirunelveli Branch,
17 A / 4, North High Ground Road,
Palayamkottai Ward, Anna Nagar,
Tirunelveli.

.. Petitioner

Vs.

The Member / Secretary (incharge),
Tirunelveli Local Planning Authority,
Sevior Colony,
South Bypass Road,
Tirunelveli-627 005.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the impugned notice under Na.Ka.No.509/2017/Ti U Ti Ku, dated 23.05.2017, on the file of the respondent herein pertaining to sealing of the premises at D.No.17A/4, North High Ground Road, Palayamkottai Ward, Anna Nagar, Tirunelveli District and to quash the same as far as sealing of the Ground Floor of the D.No.17A/4, North High Ground Road, Palayamkottai Ward, Anna Nagar, Tirunelveli District is concerned and direct the respondent to grant 8 months time to the petitioner, Non Banking Finance Company to close its business establishment in the ground floor of D.No.17A/4, North High Ground Road, Palayamkottai Ward, Anna Nagar, Tirunelveli District by considering the representation of the petitioner dated 31.05.2017.

For Petitioner : Mr.K.R.Laxman

For Respondent : Mr.M.Govindan

Special Government Pleader

O R D E R

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

The writ petitioner is a tenant in the building bearing D.No.17A/4, North High Ground Road, Palayamkottai Ward, Anna Nagar, Tirunelveli District.



2. The building is presently owned by one M/s.V.V.Minerals. The respondent authority issued a communication dated 23-May-2017 to the said owner of the building by calling upon him to produce copies of the planning approval. It has been made clear in the said communication, dated 23-May-2017, that if there is no proper planning approval for the said commercial construction, it would be considered that the building is an unauthorised construction and that action would be taken under Sections 56 and 57 of Tamil Nadu Town and Country Planning Act, 1971. This communication issued by the planning authority to the building owner is impugned in this writ petition.

3. While it is true that an occupier will have to be given notice prior to taking coercive measures, it is seen that in the impugned communication all that has been demanded is mere production of planning approval by the building owner. No exception can be taken to the said demand. If the building owner is unable to produce such document sought for by the planning authority, the planning authority is bound to take action as per law. At that stage, the question of issuing notice to the occupier would arise.

4. We hold that there is no cause of action for the writ petitioner to maintain this writ petition. This writ petition has been prematurely filed. Accordingly, it stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Member / Secretary (incharge),
Tirunelveli Local Planning Authority,
Sevior Colony,
South Bypass Road,
Tirunelveli-627 005.

+1cc to Mr.K.R.Laxman, Advocate Sr.No.67083

SM/TSG

VB/MR/KKR/SAR3/07/08/2017/2P/3C

W.P. (MD) No.10369 of 2017
20.07.2017