



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.2393 of 2017

and

W.M.P(MD)Nos.2031 and 2032 of 2017

V.Gopinath

.. Petitioner

Vs.

1. The District Collector,
Trichy District, Tiruchirapalli.

2. The Member Secretary,
Tiruchirapalli Local Planning Authority,
No.10, Williams Road, 2nd Floor,
Cantonment, Tiruchirapalli 01.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for records relating to the impugned proceedings of the second respondent in Na.Ka.No.1411/2015 Thiuthiku2 dated 18.09.2015 and the consequential impugned proceedings of the second respondent in Na.ka.No.1411/2015/Thiuthiku 2 dated 24.01.2017 and quash the same as illegal and consequently forbear the respondents from taking any coercive action against the petitioner's building pending disposal of the retention application preferred by the petitioner dated 19.01.2017.

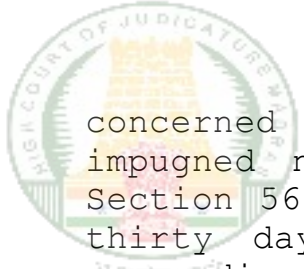
For Petitioner	: Mr.M.Ajmal Khan Senior Counsel for Mr.M.Mohaboob Athiff for M/s.Ajmal Associates.
For Respondents	: Mr.M.Govindan, Special Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the proceedings dated 18.09.2015 and 24.01.2017 issued by the second respondent and quash the same, by way of issuing a writ of certiorarified mandamus.

<https://hcservices.ecourts.gov.in/hcservices/>
2. It is averred in the petition that the petitioner has put up a building after getting necessary permission from the



concerned authority. But the second respondent has issued the impugned notice by way of giving fifteen days time. As per Section 56 of the Tamil Nadu Town and Country Planning Act, 1971, thirty days notice is very much essential and therefore the proceedings initiated by the second respondent is not in consonance with law. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents.

4.As rightly pointed out on the side of the petitioner, as per Section 56 of the Tamil Nadu Town and Country Planning Act, 1971, thirty days notice is very much essential and admittedly in the notice issued by the second respondent only fifteen days has been given. Therefore it is quite clear that the impugned notice issued by the second respondent is not in consonance with the provisions of Section 56 of the said Act and on that ground, the entire proceedings taken by the second respondent are liable to be quashed.

5.In fine, this writ petition is allowed without costs and the impugned proceedings dated 18.09.2015 and 24.01.2017 issued by the second respondent are quashed. However the second respondent is at liberty to issue a fresh notice to the petitioner as contemplated under law and take appropriate action. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Trichy District, Tiruchirapalli.
2. The Member Secretary,
Tiruchirapalli Local Planning Authority,
No.10, Williams Road, 2nd Floor,
Cantonment, Tiruchirapalli - 1.

+1cc to M/S.Ajmal Associates, Advocate Sr.No.7983

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.8052

ORDER MADE IN
W.P(MD)No.2393 of 2017
and
W.M.P(MD)Nos.2031 and 2032 of 2017
13.02.2017