



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.2732 of 2017
and
W.M.P (MD) Nos.2267 and 2268 of 2017

PL.A.Palaniappan @ PL.A.Ganagasabai .. Petitioner

Vs.

1.The Director,
Directorate of Town and country Planning,
Opposite to LIC, Chengalvarayan Building,
4th Floor, 807, Anna Salai, Chennai -02.

2.The District Collector,
Trichy District, Tiruchirapalli.

3.The Member Secretary,
Tiruchirapalli Local Planning Authority,
No.10, Williams Road, 2nd Floor,
Contonment, 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 third respondent in Na.Ka.No.1411/2015/Thiuthiku2 dated 18.09.2015 and the consequential impugned proceedings of the third 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 at Plot No.11 in T.S.No.2, Block-17, Ward-D of K.Abishekapuram Zone, Trichirappalli Corporation pending disposal of the review application preferred by the petitioner dated 06.02.2017.

For Petitioner

: Mr.AN.Ramanathan

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 notice dated 24.01.2017 issued by the third respondent in Na.Ka.No.1411/2015/Thiuthiku 2 and quash the same, by way of issuing a writ of Certiorarified Mandamus.

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

3.It is seen from the impugned notice that the same has been issued under Section 56(2) of the Tamil Nadu Town and Country Planning Act, 1971, wherein it has been clearly stated to the effect that within a period of fifteen days, the petitioner should remove unauthorised construction.

4.The only contention putforth on the side of the petitioner is that as per Section 56(2) of the said Act, thirty days notice is necessary.

5.In the instant case, admittedly only fifteen days notice has been given.

6.Considering the fact that as per Section 56(2) of the said Act, thirty days notice is very much essential, the impugned notice is liable to be quashed with liberty to issue fresh notice.

7.In fine, this writ petition is allowed without costs and the impugned notice dated 24.01.2017 passed in Na.Ka.No.1411/2015/Thiuthiku 2 by the third respondent is quashed. However the third respondent is at liberty to issue fresh notice as contemplated under law. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar



To

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Contonment, Tiruchirapalli-01.

+1 cc to MR.A.N.RAMANATHAN, Advocate SR.No.8983

+1 cc to Special Government Pleader SR.No.9190

**ORDER MADE IN
W.P (MD) No.2732 of 2017
and**

**W.M.P (MD) Nos.2267 and 2268 of 2017
17.02.2017**

SMA/JM/24.02.2017:3P/6C