



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

AND

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3276 of 2017

and

W.M.P. (MD) Nos. 2627 and 2628 of 2017

K. Visweswaran

.. Petitioner

Vs.

1. The Member Secretary,
Local Town Planning Authority,
Tiruchirappalli City Corporation,
Cooperation Building,
Tiruchirappalli-1.
2. The Assistant Director,
Local Town Planning Authority,
Tiruchirappalli City Corporation,
Corporation Building,
Tiruchirappalli -1.
3. Tiruchirappalli City Corporation
represented by Executive Authority,
The Commissioner,
Corporation Office, Bharathidasan Salai,
Tiruchirappalli - 1.
4. State of Tamil Nadu rep. by
District Collector,
Tiruchirappalli District,
Collectorate,
Tiruchirappalli -1
5. S. Pushpavanam,
Secretary,
Consumer Protection Council Tamil Nadu,
7, 12th Cross, Kumaran Nagar,
Tiruchirappalli - 17.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified Mandamus, calling for the records relating to the notice issued by the second respondent under Section 56 (2A) of the Town and Country Planning Act in Na.Ka.No.1411/2015 Thi.Vu.Thi.Ku.2 dated 27.01.2017, quashing the same and directing the respondents to consider the permission petition filed by the petitioner under Section 49 of the Tamil Nadu Town and Country Planning Act which is pending providing the petitioner sufficient opportunity to him in such consideration.



For petitioner : No appearance
For respondents 1 to 4 : Mr.M.Govindan
Special Government Pleader
For Respondent No.5 : Mr.S.Rajasekar
for Mr.T.Lajapathi Roy

WEB COPY

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The challenge in this Writ Petition is to the notice dated 27.01.2017, issued by the Tiruchirappalli Local Planning Authority, Tiruchirappalli, calling upon the petitioner to confirm to the building permit.

2.None appears on behalf of the petitioner. We have heard the learned Special Government Pleader on behalf of the respondents 1 to 4 and the learned counsel for the fifth respondent.

3.The notice issued by the Local Planning Authority indicates that the petitioner has constructed the building in question in deviation of the approved plan. There is an appellate remedy available to the petitioner under the Town and Country Planning Act.

4.There are no reasons made out by the petitioner to bypass the statutory remedy available to him. We, therefore dismiss the Writ Petition on the ground of availability of alternative remedy. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tiruchirapalli District,
Collectorate,
Tiruchirapalli -1

+1cc to Mr.T.Lajapathi Roy, Advocate SR.No.65734

+1cc to The Spl.Government Pleader SR.No.66093

MR/RR

VB/GT/SAR2/08/08/2017/2P/4C