



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2017

CORAM:

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

W.P(MD)No.3567 of 2017
and
W.M.P(MD)Nos.2876 and 2877 of 2017

Bina Kothari,
Proprietor, Kothari Garments,
Kings Square, 11th Square, 11th cross,
Thillai Nagar Main Road,
Tiruchirapalli - 01.

.. Petitioner

Vs.

1.The District Collector,
Trichy District, Tiruchirapalli.

2.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 Certiorari 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 27.01.2017 and quash the same as illegal.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates.

For Respondent : 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 order dated 18.09.2015 and consequential order dated 27.01.2017 passed by the second respondent and quash the same, by way of issuing a writ of certiorari.



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

3.It is seen from the records that in the impugned notices issued by the second respondent period of three and fifteen days has been given.

4.The learned senior counsel appearing for the petitioner has contended that as per Section 56 of the Tamil Nadu Town and Country Planning Act, 1971, thirty days notice is required.

5.Since in the impugned notices the period mentioned is three and fifteen days and since the same is not in consonance with the provisions of Section 56 of the said Act, this Court is of the view that the impugned orders passed by the second respondent are liable to be quashed.

6.In fine, this writ petition is allowed without costs and the impugned orders dated 18.09.2015 and 27.01.2017 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 Section 56 of the Tamil Nadu Town and Country Planning Act, 1971. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(C)

/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, Contonment, Tiruchirapalli - 01.

+1CC to M/S.Ajmal Associates, SR.No.12039

+1CC to the Special Government Pleader, SR.No.11930

ORDER MADE IN
W.P (MD) No.3567 of 2017
and
W.M.P (MD) Nos.2876 and 2877 of 2017
01.03.2017

SMN

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