



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **N.AUTHINATHAN**

W.P(MD)No.4009 of 2017
and
W.M.P(MD)Nos.3187 and 3188 of 2017

S.H.Mohammed Noohu .. Petitioner

Vs.

1.The Local Planning Authority,
rep. by its Member Secretary,
Tirunelveli, Tirunelveli District.

2.The Tirunelveli Corporation,
rep. by its Commissioner,
Tirunelveli, Tirunelveli District. .. 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 the records on the files of the first respondent pertaining to its order bearing Na.Ka.No.1495/15 Thi.Oo.Thi.Ku dated 27.02.2017 and the consequential proceedings of the respondent locking and sealing the petitioner's premises bearing Na.Ka.No.1495/15 Thi.Oo.Thi.Koo dated 28.02.2017 and to quash the same and consequently direct the respondent remove the seal made at the premises of the petitioner.

For Petitioner	: Mr.S.C.Herold Singh
For Respondent No.1	: Mr.M.Govindan, Special Government Pleader.
For Respondent No.2	: Mr.Aayiram K.Selvakumar,

ORDER

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



notice dated 27.02.2017 passed in Na.Ka.No.1495/15 Thi.Oo.Thi.Ku by the first respondent 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 first respondent and Mr.Aayiram K.Selvakumar, learned counsel, has taken notice for the second respondent.

3.The learned counsel appearing for the petitioner has contended to the effect that in the impugned notice without following the legal procedure only 24 hours time has been given and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

4.The learned Special Government Pleader appearing for the first respondent has contended to the effect that already notices in Form No.I and Form No.II have been issued even in the year 2015, but the petitioner has not given any reply and under the said circumstances the impugned notice has been given on 27.02.2017 and therefore the relief sought in the writ petition cannot be granted.

5.It is seen from the records that the impugned notice has been issued under Section 56(2) of the Tamil Nadu Town and Country Planning Act, 1971, wherein it is stated to the effect that the petitioner has been directed to stop further construction within a period of 24 hours.

6.Considering the fact that the impugned notice has not been given as contemplated under Section 56 of the said Act, this Court is inclined to pass the following order.

7.In fine, this writ petition is allowed without costs and the impugned notice dated 27.02.2017 issued by the first respondent is quashed. However the first respondent is at liberty to issue fresh notice as contemplated under law. Till the proceeding which is going to be initiated against the petitioner is completed, the petitioner is strictly directed not to continue construction work. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The Member Secretary,
Local Planning Authority,
Tirunelveli, Tirunelveli District.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli, Tirunelveli District.

+1 cc to MR.S.C.HEROLD SING, Advocate SR.No.13249
+1 cc to MR.AYIRAM K.SELVAKUMAR, Advocate SR.No.13077
+1 cc to Special Government Pleader SR.No.13445

**ORDER MADE IN
W.P (MD) No.4009 of 2017
and**

**W.M.P (MD) Nos.3187 and 3188 of 2017
08.03.2017**

SMA/CM-MSA/SAR-2/09.03.2017:3P/6C