



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7893 of 2017

and

W.M.P. (MD) Nos.6121 and 6122 of 2017

Mannariah & Sons Pvt.Ltd.,
Represented through its Director,
M.P.Dileep,
Having Office at
Harbour Link Road,
Tuticorin - 628 001.

.. Petitioner

Vs.

- 1.The District Collector,
Tuticorin District, Tuticorin.
- 2.The Director / Commissioner,
Directorate of Town & Country Planning,
807, Anna Salai, Chennai.
- 3.The Member Secretary,
Tuticorin Local Planning Authority,
Tuticorin.
- 4.The Commissioner,
Corporation of Tuticorin,
Tuticorin.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records in Na.Ka.No.208/2014 dated 25.11.2016 on the file of 3rd respondent and quash the same as void, incompetent, ultra vires and illegal and direct the respondents to regularize the building approval plan issued by then Muthiahpuram Panchayat on 24.12.2004, 08.02.2006, 30.05.2006 and 01.12.2006 with respect to Sy.No.2/1B & 3/2B situated at Mullakadu Village, Harbour Express Road, Tuticorin and for consequential orders.

For petitioner : Mr.S.Ramesh

For R1 to R3

: Mr.M.Govindan

Special Government Pleader

For R4

: No appearance

**ORDER**

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner challenges the order dated 25.11.2016 issued by the the Member Secretary, Local Planning Authority, Tuticorin under Sections 56 and 57 of Tamil Nadu Town and Country Planning Act, 1971.

2.The writ petitioner instead of availing the alternative statutory remedies, has rushed to this Court by invoking the jurisdiction under Article 226 of Constitution of India. This Court has consistently taken the view that a writ petition would not lie in the first instance against any action taken under Section s56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. This Court therefore, dismisses the writ petition on the ground of availability of alternative remedy. The writ petitioner is given three weeks time to move the appropriate authority for relief. If such an application is filed within the aforesaid three weeks from the date of receipt of a copy of this order, the appropriate authority shall consider the same without reference to the issue of limitation.

3.This writ petition is dismissed with the above said liberty and observation. It is open to the writ petitioner to pray for grant of interim order also in the said appeal or revision. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Tuticorin District, Tuticorin.
- 2.The Director / Commissioner,
Directorate of Town & Country Planning,
807, Anna Salai, Chennai.
- 3.The Member Secretary,
Tuticorin Local Planning Authority,
Tuticorin.
- 4.The Commissioner,
Corporation of Tuticorin, Tuticorin.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 70622

+1cc to Mr.V.RAGHAVACHARI Advocate in SR. No. 70089

MM/SSS

JS/MR.KKR/SAR.2/6.10.2017/2P-7C

ORDER MADE IN
W.P(MD)No.7893 of 2017

and

W.M.P. (MD) Nos.6121 and 6122 of 2017

03.08.2017