

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 05.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN
W.P(MD)No.8765 of 2017

A.Neelavathi Sundari

.. Petitioner

Vs.

1.The Director,
Directorate of Town and County Planning,
No.807, Anna Salai,
Chennai - 2.

2.The Deputy Director,
Office of the Deputy Director of Town and
Country Planning, Tirunelveli Division,
No.108, Tirvandrum Salai,
Tirunelveli - 627 002.

3.The Executive Officer,
Special Grade Town Panchayat,
Tiruchendur,
Thoothukudi District.

.. 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 the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.2087/2016 ThiLiMa3 (57) dated 24.04.2017 and quash the same.

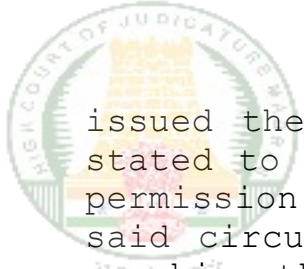
For Petitioner	: Mr.V.Malaiyendran
For RR - 1 & 2	: Mr.M.Govindan Special Government Pleader.
For R - 3	: No appearance

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 24.04.2017 passed in Na.Ka.No.2087/2016 ThiLiMa3 (57) by the second respondent and quash the same by way of issuing a Writ of Certiorari.

2.It is averred in the petition that the petitioner is the owner of the building mentioned in the proceedings and after obtaining necessary permission, the building in question has been constructed. But, all of a sudden, the second respondent has



issued the impugned proceedings, wherein it has been erroneously stated to the effect that the petitioner without obtaining proper permission nor approval has constructed the building. Under the said circumstances, the present Writ Petition has been filed for quashing the order passed by the second respondent on 24.04.2017.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 has contended to the effect that after receipt of the impugned order, the petitioner has submitted a detailed representation and the same is pending before the second respondent.

4. Considering the fact that after receipt of the impugned order, the petitioner has submitted a detailed representation with regard to alleged permission, this Court is of the view that the second respondent can be directed as stated infra to dispose of the representation alleged to have been given by the petitioner.

"In fine, the second respondent is directed to dispose of the representation alleged to have been given by the petitioner within a period of two days."

5. With the above observation, this petition is disposed of. No costs. Till disposal of the representation alleged to have been given by the petitioner, the second respondent is directed not to take any coercive action. Connected WMP(MD)No.6714 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Director,
Directorate of Town and County Planning,
No.807, Anna Salai, Chennai - 2.
2. The Deputy Director,
Office of the Deputy Director of Town and
Country Planning, Tirunelveli Division,
No.108, Tirvandrum Salai,
Tirunelveli - 627 002.
3. The Executive Officer,
Special Grade Town Panchayat,
Tiruchendur,
Thoothukudi District.

+1cc to M/S. V.MALAIYENDRAN, Advocate, SR.No.58373.

+1cc to Special Government Pleader, SR.No.58559.