



WEB COPY

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.22483 of 2016

and

W.M.P (MD) No.16116 of 2016

Star Model Matriculation School,
represented by its Correspondent,
M.Jeyadoss, S/o Marcion,
Tiruchendur, Thoothukudi District.

.. Petitioner

Vs.

1.The Commissioner of Town and Country Planning,
Town and Country Planning Department,
No.807, Anna Salai, Chennai-600 002.

2.The Deputy Director of Town and Country Planning,
Tirunelveli Region, Tirunelveli - 625 002.

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

.. Respondents

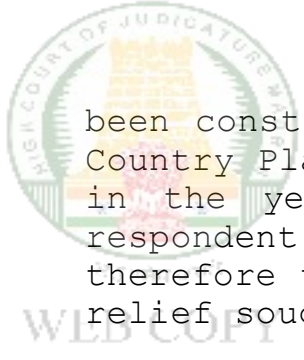
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the proceedings of the Impugned Order in Na.Ka.No.232/2015 தலைம 3(9) dated 16.11.2016 on the file of the second Respondent and quash the same.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondents	: 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 16.11.2016 passed in Na.Ka.No.232/2015 தலைம 3(9) by the second respondent and quash the same, by way of issuing a writ of certiorari.



been constructed in the year 2008 whereas the Tamil Nadu Town and Country Planning Act, 1971 is applicable to non-planning area only in the year 2010 and under the said circumstances the second respondent is totally incompetent to pass such kind of order and therefore the present writ petition has been filed for getting the relief sought therein.

3.The learned Special Government Pleader appearing for the respondents has also equally contended that in the impugned order Section of Law has been wrongly quoted and the second respondent is ready to withdraw the same.

4.Considering the divergent contentions putforth on either side and also considering the undertaking given on the side of the second respondent, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the order dated 16.11.2016 passed in Na.Ka.No.232/2015 தலைம3(9) by the second respondent is quashed. However the respondents are at liberty to take appropriate action against the petitioner under due process of law. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Town and Country Planning,
Town and Country Planning Department,
No.807, Anna Salai, Chennai-600 002.

2.The Deputy Director of Town and Country Planning,
Tirunelveli Region, Tirunelveli - 625 002.

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

+1 cc to Mr. G. PRABHU RAJADURAI, ADVOCATE, SR NO.13538

smn

MAS/SKN-RSK:13.03.2017:2P-5C

ORDER MADE IN
W.P (MD) No.22483 of 2016
and
W.M.P (MD) No.16116 of 2016
08.03.2017