

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 31.07.2017****CORAM :**

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)Nos.14445 of 2011
and
M.P(MD)Nos.1 of 2011**

The Secretary
Rotary Lahary Matriculation Higher
Secondary School,
No.7, V.P.Retnasamy Nadar Salai,
Madurai.

... Petitioner

Vs.

1. The Director of Town and Country Planning,
Madurai.

2. Member, Secretary (General),
Local Planning Commission,
Madurai.

3. The Commissioner,
Madurai Corporation, Madurai.

... Respondents

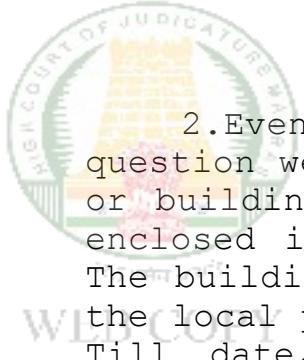
Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records in the impugned notice Na.Ka.2103/11/Mathi.2, dated 29.11.2011 on the file of the second respondent and quash the same as illegal, unconstitutional and ultra-vires and thus render justice.

For Petitioner : Mr.V.Raghavachari
For Respondents : Mr.T.S.Md.Mohideen, AGP

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner questions the notice dated 29.11.2011 issued by the second respondent. The second respondent has issued the impugned notice under Sections 57 of Tamil Nadu Town and Country Planning Act, 1971.



2. Even according to the writ petitioner, the constructions in question were put up without obtaining any prior planning sanction or building approval. In the typed set of papers also, what is enclosed is an application submitted to the Madurai Corporation. The building in question is a public building. Therefore it is the local planning authority which is competent to grant approval. Till date, the writ petitioner has not even moved the said authority which alone has the jurisdiction to grant planning approval. In the impugned notice, the jurisdictional authority has only pointed out that action would be taken under the relevant provisions of Town and Country Planning Act, if planning approval is not obtained. No exception can be taken to what has been pointed out in the impugned communication.

3. There is no merit in this writ petition. The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Director of Town and Country Planning,
Madurai.
2. Member, Secretary (General),
Local Planning Commission,
Madurai.
3. The Commissioner,
Madurai Corporation, Madurai.

+1 CC to M/s. V.RAGHAVACHARI, Advocate, SR No. 69627.

+1 CC to M/s. T.S. MOHAMED MOHIDHEEN, Advocate, SR No. 69448.

SKM/ARUL

PSM/SKN-RSK/SAR3/21.08.2017/2P/6C

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and

M.P (MD) Nos. 1 of 2011

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