



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.P. (MD) No.11784 of 2018

and

W.M.P. (MD) Nos.10698 and 10699 of 2018

J.Zahabar Ali

... Petitioner

-Vs-

1. The District Collector,
Ramanathapuram District.

2. The Deputy Director,
Town and Country Planning Department,
Sivagangai Zone, Sivagangai.

3. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent's impugned order in Na.Ka.No.3182/2018/CM-2 dated 10.05.2018 and the consequential final notice dated 14.05.2018 in Na.Ka.No.1555/2018/F1 on the file of 3rd respondent and quash the same and further direct the respondents to consider and pass orders on the explanation dated 16.05.2010 given by the petitioner.

For Petitioner	: Mr.J.M.Hassanul Bazari
For R1 and R2	: Mr.VR.Shanmuganathan, Special Government Pleader.
For R3	: Mr.A.Kannan

ORDER

(Order of the Court was made by M.V.MURALIDARAN, J.)

The petitioner seeks for a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned notice in Na.Ka.No.3182/2018/CM-2 dated 10.05.2018 and the consequential final notice dated 14.05.2018 in Na.Ka.No.1555/2018/F1 on the file of the third respondent and quash the same and to further direct the respondents to consider and pass orders on the explanation dated



16.05.2010 given by the petitioner.

2. Mr. VR. Shanmuganathan, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr. A. Kannan, learned counsel takes notice for the third respondent. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner challenges the notice issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. Against the said order, there is an appeal remedy under Section 80 (A) of the Act. But, without exhausting the said remedy, the petitioner has approached this Court, by challenging the said order.

4. Since appeal remedy is available to the petitioner, it is the bounden duty of the petitioner to approach the appellate authority by filing an appeal under Section 80(A) of the Act. Therefore, we are inclined to pass the following order:

The petitioner is directed to submit his appeal to the appellate authority under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971, within a period of 15 days from today. On receipt of the said appeal under Section 80(A) of the Act, the appellate authority is directed to pass appropriate orders after giving fair opportunity to the petitioner, within a period of three months, from the date of filing of the said appeal. Till such time, the respondents are directed not to take any coercive action.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District.
2. The Deputy Director,
Town and Country Planning Department,
Sivagangai Zone, Sivagangai.

+ 1 CC TO Mr. J. M. HASSANUL BAZARI, ADVOCATE IN SR No. 66488

TA/PM

TE/SKN-RSK/SAR-3 : 06/06/2018 : 2P/4C

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