



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2018

CORAM:

**THE HON'BLE Mr. JUSTICE R.SUBBIAH
AND
THE HON'BLE Mrs. JUSTICE R.THARANI**

W.P. (MD) No.23397 of 2018
and
W.M.P. (MD) No.21235 of 2018

1.S.Venkatesh Babu
2.C.Sumathi

... Petitioners

Vs.

- 1.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
- 2.The Member Secretary,
Local Town and Country Planning Authority,
Tirunelveli.
- 3.The Director of Town and Country Planning,
The Directorate of Town and Country Planning,
Opp.to LIC, Chengalvarayan Building,
IV Floor, 807, Annasalai,
Chennai 600 002.
- 4.The Empowered Committee for Building Approval,
Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai 600 009.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the first respondent in Na.Ka.No.7240/2012/TP3, dated 31.05.2018 and the impugned order of the second respondent in Na.Ka.No.2457/2018, dated 23.07.2018 and quash the same as illegal and consequently, direct the respondents 3 and 4 to consider the petitioner's revised planning application dated 18.09.2013 and 11.10.2018 and recommendation in the first respondent's letter dated 15.10.2018 and until then forbear the respondents from giving effect to the impugned notices dated 31.05.2018 and 23.07.2018.



For Petitioner : Mr.P.Willson, Senior Counsel for
M/s.P.Wilson Associates
For Respondents : Mr.Ayiram K.Selvakumar, AGP for R1
Mr.M.Jayakumar, AGP for R2 to R4

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ORDER**(Order of the Court was made by R.SUBBIAH,J.)**

This Writ petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 31.05.2018 in in Na.Ka.No.7240/2012/TP3 passed by the first respondent and another order dated 23.07.2018 in Na.Ka.No.2457/2018 passed by the second respondent and quash the same as illegal and consequently, direct the respondents 3 and 4 to consider the petitioner's revised planning applications dated 18.09.2013 and 11.10.2018 as per the recommendation of the first respondent dated 15.10.2018 and till then, forbear the respondents to give effect to the above said impugned orders.

2.Though very many contentions have been raised in this Writ petition, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 2 to 4 submitted that already the petitioners have preferred an appeal under Section 80 of the Town and Country Planning before the respondents 3 and 4 and hence, this Writ petition is not maintainable.

3.In view of the said submission, we are of the opinion that the petitioners shall work out their remedy before the Appellate Authority. Accordingly, this Writ petition is disposed of, directing the respondents 3 and 4 to dispose of the appeal on or before 31.01.2019 on merits and in accordance with law. Till such time, status quo as on date shall be maintained. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar (CS-I)

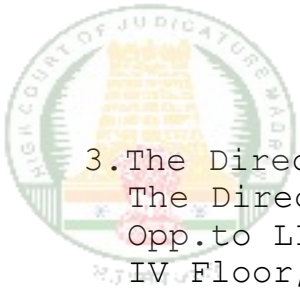
/True Copy/

Sub Assistant Registrar (CS-IV)

To

1.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

2.The Member Secretary,
<https://hcservices.ecourts.gov.in/hcservices/>
Local Town and Country Planning Authority,
Tirunelveli.



3. The Director of Town and Country Planning,
The Directorate of Town and Country Planning,
Opp.to LIC, Chengalvarayan Building,
IV Floor, 807, Annasalai, Chennai 600 002.

WEB COPY

4. The Empowered Committee for Building Approval,
Government of Tamil Nadu,
Secretariat,
Fort St.George, Chennai 600 009.

+ 1 CC TO Mr.AAYIRAM K.SELVAKUMAR, ADVOCATE IN SR No. 96966
+ 1 CC TO M/s.P.WILSON ASSOCIATES, IN SR No. 97141
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 97062

NBJ

TE/BK/SAR-4 : 26/12/2018 : 3P/8C

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26.11.2018