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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 21.02.2018
CORAM
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD).No.22123 of 2016
and
W.M.P.(MD).No.15839 of 2016

AV.Jebakani Balammal

... Petitioner

Vs.

1. The Director of Town and
Country Planning,
807, Anna Salai,
Chennai-2.
2. Local Planning Authority,
Tuticorin,
No.51, West Car Street,
Tuticorin-2.
3. The Assistant Commissioner,
West Zone,
Tuticorin Corporation,
Tuticorin.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating with the notice in Na.Ka.No.352/2015 - LPA dated 04.11.2016, issued by the 2nd respondents and quash the same as it is arbitrary and illegal.

For Petitioner	: Mr.R.Suriya Narayanan
For R1	: Mr.D.Muruganandham
	Addl. Government Pleader
For R2	: Mr.Aayiram K Selvakumar
For R3	: Mr.S.Sagi Bino

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.R.Suriya Narayanan, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the first respondent and Mr.Aayiram K Selvakumar, learned counsel appearing for the second respondent and Mr.S.Sagi Bino, learned counsel appearing for the third respondent.



2.The petitioner admittedly has not complied with the layout conditions. For such reason, the third respondent returned the petitioner's application for building permission on 10.02.2015. In spite of the same, it appears that he has continued the construction. Thereafter, notice was issued to the petitioner for his appearance and to submit his reply and two of such notices dated 06.04.2015 and 25.06.2015 issued by the second respondent has not been responded to by the petitioner. Therefore, notice was issued on 04.11.2016 for locking and sealing the premises in terms of Sections 56(2A) and 57(4) of the Tamil Nadu Town and Country Planning Act, 1971. At that juncture, the petitioner has approached this Court by filing the present writ petition.

3.We find that there is absolutely no grounds to challenge the impugned notice, especially when the petitioner did not even respond to the notice issued by the second respondent, the plea of lack of jurisdiction on the part of the second respondent to issue impugned notice is liable to be rejected, since it is the Deputy Director of Town and Country Planning, who has granted approval for the layout and if there is violation of the layout condition, even the second respondent can issue notice.

4.Considering the above, we direct the second respondent to seal the petitioner's building within a period of one week from the date of receipt of a copy of this order.

5.The learned counsel for the petitioner submits that the revised plan has already been given by the petitioner and it is not known as to what is the stage of the matter before the concerned authority. It is open to the petitioner to pursue the revised planning permission application before the competent authority.

6.With the above observation, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Town and
Country Planning,
807, Anna Salai,
Chennai-2.

<https://hcservices.ecourts.gov.in/services>
2. The District Planning Authority,
Tuticorin, No.51, West Car Street,
Tuticorin-2.



3. The Assistant Commissioner,
West Zone,
Tuticorin Corporation,
Tuticorin.

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+1cc to Mr.R.Suriya Narayanan, Advocate Sr.No.50381
+1cc to Spl.Government Pleader Sr.No. 50594

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VB/SV/MMS/SAR3/16/03/2018/3P/6C

**W.P. (MD) .No.22123 of 2016 and
W.M.P. (MD) .No.15839 of 2016
21.02.2018**