

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.12000 of 2019

L.S.Murugesan

...

Petitioner

Vs.

The Member Secretary,
Erode Local Planning Authority,
Tamil Nadu Housing Board Commercial Complex,
Surampatti Naal Road,
Erode - 638 009.

...

Respondent

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondent to conduct an enquiry into the Protest Petition of the petitioner received at the office of the respondent bearing complaint letter vide Na.Ka.No.307/2019 EuThiKu-2, dated 13.03.2019 and pass appropriate orders on merits by affording an opportunity of fair hearing to the petitioner after considering the representation of the petitioner dated 08.03.2019 in accordance with law expeditiously within a time frame stipulated by this Court.

For Petitioner : Mr.C.E.Pratap

For Respondent : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

Mr.V.Shanmuga Sundar, learned Special Government Pleader takes notice for the respondent. By consent, this Writ Petition is taken up for final disposal.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the respondent to conduct an enquiry into the Protest Petition of the petitioner received at the office of the respondent bearing complaint letter vide Na.Ka.No.307/2019 EuThiKu-2, dated 13.03.2019 and pass appropriate orders on merits by affording an opportunity of fair hearing to the petitioner after considering the representation

of the petitioner, dated 08.03.2019 in accordance with law within a time frame stipulated by this Court.

3. According to the petitioner, he made objections to the respondent for granting approval to one A.Kumaraguru in respect of property in R.S.No.144/2, Lakkapuram Village, Modakkurichi Taluk, Erode District. However, without considering the objections raised by the petitioner, the respondent granted approval vide proceedings in Na.Ka.No.261/2018/EuThiku-2, dated 06.09.2018. Hence, the petitioner made a Protest Petition on 08.03.2019, which was also acknowledged by the respondent on 13.03.2019. However, till date no order has been passed. Hence, the present Writ Petition.

4. The learned Special Government Pleader appearing for the respondent would submit that if the petitioner is aggrieved by the approval granted by the respondent, the petitioner can file an appeal before the Director under Section 76 of the Tamil Nadu Town and Country Planning Act, 1971 and without exhausting the alternative remedy available to the petitioner, filing of Writ Petition before this Court is not maintainable.

5. Recording the above submission of the learned Special Government Pleader, the Writ Petition is dismissed as not maintainable. However, liberty is granted to the petitioner to file an appeal, under Section 76 of the Tamil Nadu Town and Country Planning Act, 1971 and seek his remedy, if so advised. There is no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

r n s

To

The Member Secretary,
Erode Local Planning Authority,
Tamil Nadu Housing Board Commercial Complex,
Surampatti Naal Road,
Erode - 638 009.

+1cc to Mr.C.E.Pratap, Advocate, S.R.No. 38582

W.P.No.12000 of 2019

SSI(CO)
GN(29/05/2019)