



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.07.2019

CORAM :

WEB COPY THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.20643 of 2019
and W.M.P.No.19836 of 2019

N.Srinivasan

.. Petitioner

-vs-

1.The Commissioner,
Coimbatore Corporation,
Coimbatore 641 001.

2.The District Collector,
Coimbatore, Coimbatore 641 018.

3.The Member Secretary,
Coimbatore Local Planning Authority,
Coimbatore-12.

4.The Secretary,
Coimbatore Arya Vysya Samajam,
Rep. by its General Secretary,
No.73, Vysial Street, Coimbatore 600 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records from the file of the 3rd respondent leading to the passing of the impugned order in proceedings No.Na.Ka.No.4266/2018/VuTheeKu-1 dated 28.12.2018 and quash the same.

For Petitioner : Mr.R.Ramanlaal

For Respondents : Mr.K.Natarajan
Stdg. Counsels for R-1

: Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.) for R-2

* * * * *



O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The above writ petition has been filed by the petitioner to issue writ of certiorari to call for the records in respect of the planning permission granted by the 3rd respondent in favour of the 4th respondent on 28.12.2018 and to quash the same.

2.The petitioner has filed the writ petition questioning the correctness of the planning permission granted in favour of the 4th respondent in this writ petition without exhausting the appeal remedy available to him under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971.

3.The learned Government Pleader (i/c.), taking notice on behalf of respondent no.2 submitted that since the petitioner has got appeal remedy under Section 79 of the said Act, the writ petition is not maintainable.

4.We totally agree with the submission made by the learned Government Pleader (i/c.) and in view of the same, we are not inclined to entertain the writ petition.

Accordingly, the writ petition is dismissed. However, it is open to the petitioner to challenge the impugned planning permission dated 28.12.2018 in accordance with law. No costs. Consequently, W.M.P.No. 19836 of 2019 is also dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Commissioner,
Coimbatore Corporation,
Coimbatore 641 001.
- 2.The District Collector,
Coimbatore, Coimbatore 641 018.
- 3.The Member Secretary,
Coimbatore Local Planning Authority,
Coimbatore-12.



Copy To:

The Section Officer,
E.R.Section,
High Court, Madras-104.

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+1cc to Mr.K.Natarajan, Advocate, S.R.No.60480
+1cc to Mr.R.Ramanlal, Advocate, S.R.No.60635
+1cc to the Government Pleader, S.R.No.61874

W.P.No.20643 of 2019

SSD (CO)

RRS (08/08/2019)