

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.22386 of 2019

1.Venkataraman
2.Rajam
3.Silambarasan

.. Petitioners

-vs-

1.Regional Director of Town and Country Planning,
Dharmapuri Regional Office,
No.83, Pedamaneri Road,
Appavu Nagar,
Dharmapuri.

2.District Collector,
Dharmapuri District,
Dharmapuri.

3.Tahsildar,
Harur Taluk,
Harur, Dharmapuri District.

4.Block Development Officer,
Harur, Dharmapuri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records pertaining to the impugned notice in N.K.No.1818/2019/E5 dated 10.07.2019 on the file of the 4th respondent and quash the same.

For Petitioner

: Mr.R.Neelakandan

For Respondents

: Mr.S.N.Parthasarathi
Government Advocate

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.R.Neelakandan, learned counsel for the petitioners and Mr.S.N.Parthasarathi, learned Government Advocate for the respondents.

2. The petitioners are seeking to quash the notice dated 10.07.2019, which has been issued by respondent No.4 i.e., the Block Development Officer, Harur, Dharmapuri District. The said notice pertains to the construction of a Marriage Hall by the petitioner in Survey No.3/1A 1D2 in Pachinampatti Village, Thoddampatti Panchayat within Harur Panchayat Union, Dharmapuri District. According to respondent No.4, the said Marriage Hall has been constructed without obtaining permission under the Tamil Nadu Town and Country Planning Act, 1971 and the Tamil Nadu Panchayats Building Rules.

3. We have perused the notice dated 10.07.2019 issued by respondent No.4. The relevant Section of the Tamil Nadu Town and Country Planning Act, 1971 and the relevant Rule of the Tamil Nadu Panchayats Building Rules, 1997 have not been stated in the said notice. In such case, obviously, it would be difficult for the petitioner to prefer an appeal against the said notice.

4. Looking to all the above facts, it is seen that the impugned notice dated 10.07.2019 issued by respondent No.4 is bereft of material particulars, hence, we are inclined to quash the said notice.

5. Accordingly, the notice dated 10.07.2019 issued by respondent No.4 is quashed. However, liberty is given to the respondent authorities to issue fresh notice to the petitioner, if there is any unauthorized construction, by specifically mentioning the relevant provision of the Act and Rules under which the notice is being issued and other necessary particulars.

6. The writ petition is allowed in terms aforesaid. No costs. Consequently, W.M.P.Nos.21718 and 21721 of 2019 are closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To:

1.The Regional Director of Town and Country Planning,
Dharmapuri Regional Office,
No.83, Pedamaneri Road,
Appavu Nagar,
Dharmapuri.

2.The District Collector,
Dharmapuri District,
Dharmapuri.

3.The Tahsildar,
Harur Taluk,
Harur, Dharmapuri District.

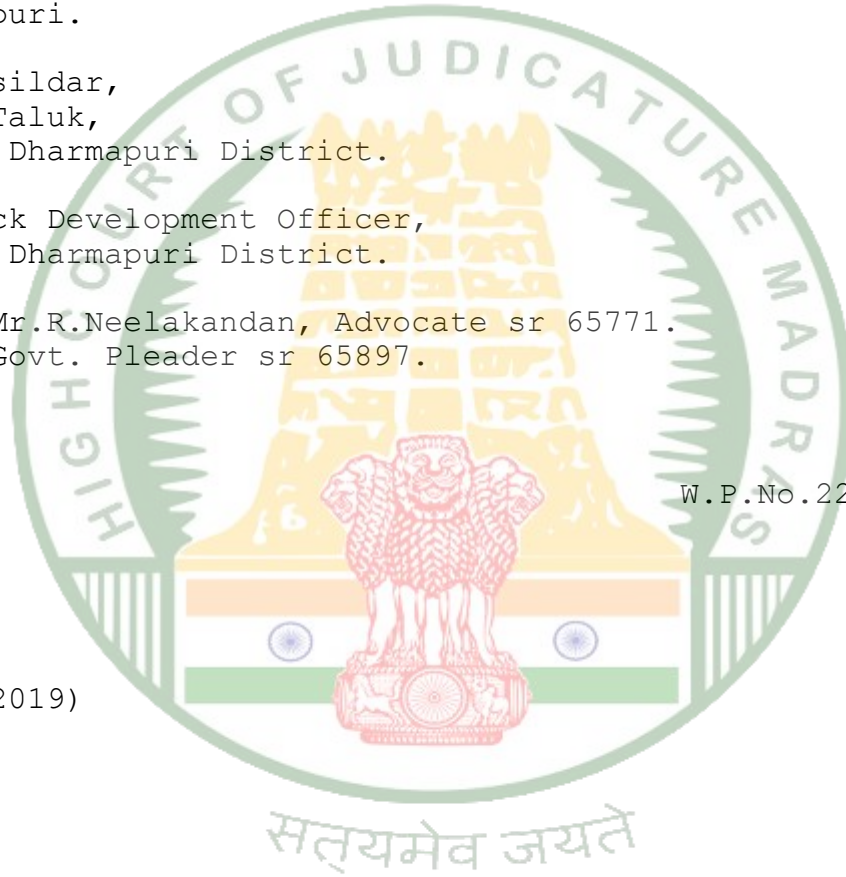
4.The Block Development Officer,
Harur, Dharmapuri District.

+1 CC to Mr.R.Neelakandan, Advocate sr 65771.

+1 CC to Govt. Pleader sr 65897.

W.P.No.22386 of 2019

RR(CO)
SP(04/09/2019)



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