

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.28601/2019 & WMP.Nos.28357, 28359 & 28362/2019

N.Ravichandran

.. Petitioner

Versus

1. The Director
Town and Country Planning
Thanjavur Division
No.33, 4th Street, Rajappa Nagar
Medical College Road
Thanjavur 613 007.
2. The Commissioner
Town and Country Planning
No.807, Anna Salai, Chennai 600002.
3. The Tahsildar
Nagapattinam Taluk, Nagapattinam.
4. Sikkal Panchayat
by its President
Sikkal 611 108, Nagapattinam District.
5. The Divisional Manager
Southern Railway, Trichirapalli.
6. Joint Sub Registrar
Nagapattinam.
7. The District Collector
Nagapattinam District.
8. The Block Development Officer [Rural]
At Nagapattinam.

9.P.Rajendiran

..

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the 1st respondent in pursuant to his proceedings No.2025/2017 Ta.Ma.3 dated 25.05.2019 in Na.Ka.No.2891/2018/A1 of the 8th respondent and to quash the same and to direct the respondents to take appropriate action against the 9th respondent for his illegal act known to law.

For Petitioner : Mr.S.Balasubramanian

For RR 3, 7 & 8: Mr.R.Udhayakumar, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1) By consent, the writ petition, is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader appears on behalf of the respondents 3, 7 and 8.
- (2) The grievance expressed by the petitioner in this writ petition, styled as a Public Interest Litigation, is that the 9th respondent has developed a layout in S.No.217/3A, 3B, 3C and 3D and Nanja S.No.217/4, Sikkal Village, Railway Station Road, Sikkal Panchayat, Nagapattinam and despite the violations while granting layout permission have been brought to the knowledge of the concerned authorities, without properly appreciating the same, approval has been accorded by the Deputy Director of Town and Country Planning, Thanjavur, vide impugned proceedings dated 05.06.2018 and when it was brought to the knowledge of the 7th respondent, viz., the Collector of Nagapattinam District, he merely directed the Assistant Director of Town and Country Planning, Thanjavur, to submit a Report, through his communication dated 16.05.2019 and aggrieved by the improper action/response on the part of the concerned official respondents, the petitioner came forward to file the present writ petition.
- (3) This Court heard the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.
- (4) Admittedly, the petitioner along with 8 others, had filed a civil suit in OS.No.89/2014 on the file of the Court of District Munsif, Nagapattinam, in representative capacity against the 9th respondent and the said suit is also pending. The communication of the 7th respondent dated 16.05.2019 addressed to the Assistant Director, Town and Country Planning, Thanjavur, would also disclose that a Report has also been

called. In the considered opinion of the Court, in the light of the pendency of the civil suit filed by the petitioner, in the representative capacity, he is not entitled to maintain this writ petition as it would also amount to Forum shopping.

(5) In the result, the writ petition stands dismissed at the admission stage itself. However, if the petitioner is so advised and if it is open to him under law, he is entitled to work out his remedy administratively before the 7th respondent in the light of the communication dated 16.05.2018 or in the pending civil suit. No costs. Consequently, the connected miscellaneous petitions are also closed.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

AP

To

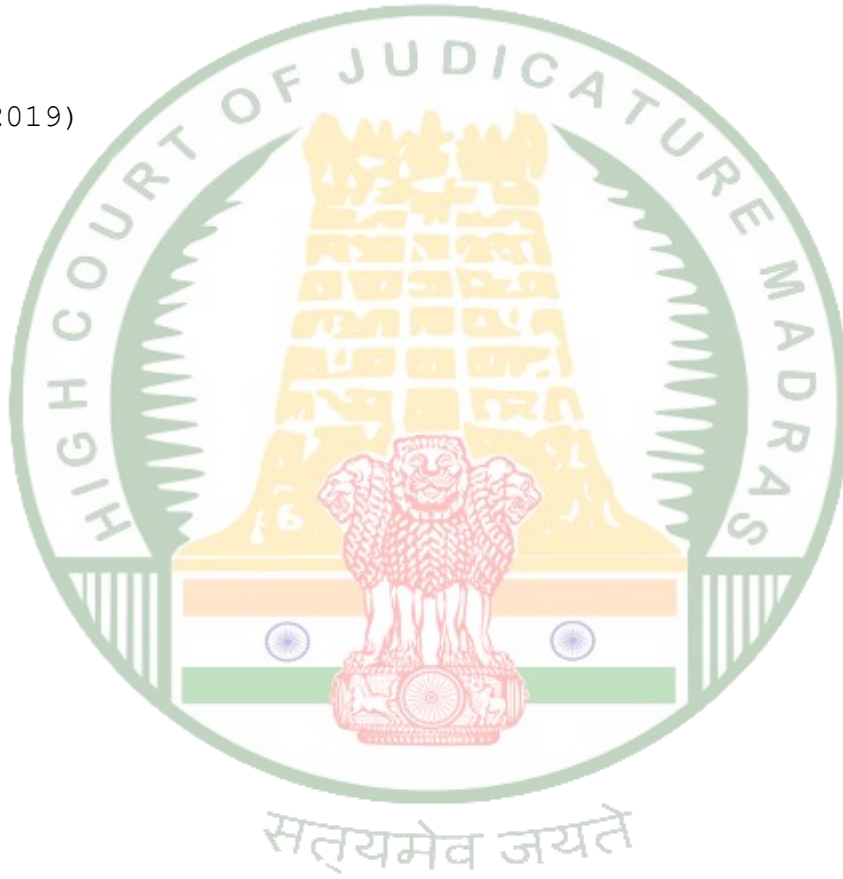
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+2 CCS to Mr.S.Balasubramanian, advocate sr 83485.

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PP(CO)
SP(05/12/2019)



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