



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.25496 of 2019

and W.M.P. (MD) .No.22059 of 2019

WEB COPY

N.Parameswaran
President
Thai Sthalam Devangar Jadhi Podumai
Ward-23, Pillayar Kovil Street
Bodinayakkanur
Theni District. ... Petitioner
vs.

1.The Director of Town and Country Planning
Chennai.

2.The Deputy Director of Town and Country Planning,
Madurai Region,
No.4, Hakkem Ajmalkhan Road,
Chinna Chokkikulam,
Madurai.

3.The Commissioner,
Bodinayakkanur Municipality
Bodinayakkanur. ... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, to forbear the 3rd respondent from taking any coercive steps for demolishing the building constructed in TS.No.146 situated in Ward No.5, Block 3 in Pillayar Kovil Street, Bodinayakkanur belongs to the Thai Sthalam Devangar Jadhi Podhumai, on the guise of the notice issued by him in Na.Ka.No.3352/2019/F1, without passing the final order, by disposing the petitioner's explanation dated 09.11.2019.

For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mr.J.Gunaseelan Muthaiah
Addl. Govt. Pleader for RR-1 & 2



O R D E R

Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader takes notice on behalf of the respondents 1 & 2. In view of the nature of the order going to be passed, notice to the third respondent is dispensed with.

2.By consent of both sides, this writ petition itself is taken up for final disposal.

3.This writ petition has been filed to forbear the 3rd respondent from taking any coercive steps for demolishing the building constructed in TS.No.146, situated in Ward No.5, Block 3 in Pillayar Kovil Street, Bodinayakannur belongs to the Thai Sthalam Devangar Jadhi Podhumai, on the guise of the notice issued by him in Na.Ka.No.3352/2019/F1, without passing the final order, by disposing the petitioner's explanation dated 09.11.2019.

4.The third respondent has issued a show-cause notice in Na.Ka.No.3352/2019/F1 dated 01.11.2019 to the petitioner under Sections 199 and 216 (1) (2) and 317 of the Tamil Nadu District Municipalities Act, 1920. For that, the petitioner has already submitted their explanation and final order is yet to be passed. Even before the confirmation order being passed, the petitioner has rushed to this Court.

5.On a perusal of the typed set of papers, it is seen that final order is yet to be passed by the third respondent, but, without waiting for the same, the petitioner has approached this Court by way of this writ petition.

6.In view of the above facts, this court is of the view that the present writ petition is premature and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vs

To

1.The Director of Town and Country Planning
Chennai.



2.The Deputy Director of Town and Country Planning,
Madurai Region,
No.4, Hakkem Ajmalkhan Road,
Chinna Chokkikulam,
Madurai.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-102862[F] dated
02/12/2019)

+1 CC to M/s.GP (SR-102986[F] dated 02/12/2019)

W.P. (MD) No.25496 of 2019
29.11.2019

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