



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P. (MD) No.360 of 2020

and

W.M.P. (MD) Nos.281 & 282 of 2020

T.Dhanasekaran

... Petitioner

-VS-

1.The Director of Town and
Country Planning
Chennai

2.The Assistant Director of Town
and Country Planning
Trichy Region, Kajamalai
Trichy-23

3.Special Officer cum
Block Development Officer (VP)
Karuppampalayam Village Panchayat
Karur District

4.M/s.Asian Fabrix Private Limited
Represented by its Managing Director
S.F.No.254/1, Karuppampalayam Village
Appipalayam Post
Karur District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned planning permission granted by the 2nd respondent in his proceedings No: Na.Ka.314/2017-jpk2, dated 18.07.2019 and consequent building plan approval issued by the 3rd respondent in his proceedings No.05/2019-20 dated 29.07.2019 granted to the 4th respondent, quash the same and consequently, directing the official respondents to demolish the unauthorized constructions made by the 4th respondent in the "prohibited zone" within the time limit stipulated by this Court.



For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader for R1 to R3
Mr.K.Suresh for R4

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O R D E R

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

Though the petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to quash the impugned planning permission, dated 18.07.2019, granted by the second respondent and the consequential building plan approval, dated 29.07.2019, granted by the third respondent, to the fourth respondent, and to direct the official respondents to demolish the unauthorized constructions made by the fourth respondent in the "prohibited zone", within the time limit stipulated by this Court, as against the planning permission granted under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971, he has got remedy by way of appeal under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971. The petitioner has filed the writ petition without exhausting the appeal remedy available to him. In such circumstances, we are not inclined to entertain the writ petition. However, it is open to the petitioner to challenge the planning permission and the building plan approval granted by the respondents 2 and 3 respectively to the fourth respondent, in accordance with law.

2. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Director of Town and
Country Planning,
Chennai.



2.The Assistant Director of Town
and Country Planning,
Trichy Region, Kajamalai,
Trichy-23.

3.Special Officer cum
Block Development Officer (VP),
Karuppampalayam Village Panchayat,
Karur District.

+1 CC to M/s.K.SURESH, Advocate (SR-895[F] dated 08/01/2020)
+1 CC to M/s.RM.ARUN SWAMINATHAN, Advocate (SR-1037[F] 09/01/2020)
+1 CC to M/s.Special Govt.Pleader (SR-1006[F] dated 09/01/2020)

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