



WEB COPY

W.P(MD)No.4264 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.02.2020

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THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.4264 of 2020

and

W.M.P. (MD) 3594 and 3596 of 2020

Kamak Matriculation Higher Secondary School,
represented by its Correspondent,
Mrs.Radha Rajeshwari. ... Petitioner
Vs.

1.The State of Tamil Nadu,
represented by its Secretary,
Department of Housing and Urban Development,
Fort St.George, Chennai.

2.The Principal Secretary,
Department of Municipal Administration and Water Supply,
Fort St.George,
Chennai.

3.The Commissioner of Town and Country Planning,
O/o The Commissioner of Town and Country Planning,
No.801, Anna Salai,
Chennai.

4.The Director of Town and Country Planning,
O/o The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai.

5.The Commissioner,
Tuticorin Corporation,
Tuticorin.

6.The Member Secretary,
Local Planning Authority,
Tuticorin,

<https://hcservices.tn.gov.in/hcservices> Tuticorin District.

... Respondents



Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned Notice in Na.Ka.No.1186/2012, Tho.U.Thi.Ku dated 24.01.2020 on the file of the respondent No.6 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.R.Murugan
Additional Government Pleader
for R.1 to R.4 and R.6
: Mr.B.Saji Bino
for R.5

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ORDER

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

Mr.R.Murugan, learned Additional Government Pleader, takes notice for the respondents 1 to 4 and 6 and Mr.B.Saji Bino, learned Counsel takes notice for the fifth respondent.

2. The petitioner School has filed the above writ petition to issue a writ of Certiorari to call for the records pertaining to the impugned Notice dated 24.01.2020 on the file of the sixth respondent and quash the same.

3. The petitioner School was issued with a notice dated 24.01.2020 under Sections 56 and 57 of the Town and Country Planning Act, 1971 for locking and seasing the building in question.

4. As against the notice issued under Sections 56 and 57 of the Town and Country Planning Act, 1971, the petitioner has got remedy by way of an appeal under Section 80-A of the Town and Country Planning Act, 1971.

5. Mr.T.Lajapathi Roy, learned Counsel appearing for the petitioner submitted that the petitioner may be granted two weeks time for filing an appeal before the Secretary to the Government of Tamilnadu, Department of Housing and Urban Development, Chennai under Section 80-A of the Town and Country Planning Act, 1971 and till such time, the sixth respondent may be directed to maintain *status quo*.



6. The learned Additional Government Pleader appearing for the respondents 1 to 4 and 6 submitted that liberty may be given to the petitioner to file an appeal under Section 80-A of the Town and Country Planning Act, 1971 within a period of two weeks and till such time, the respondents may be directed to maintain *status quo*.

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7. Having regard to the submissions made by the learned Counsel appearing on either side, we give liberty to the petitioner School to file an appeal under Section 80-A of the Town and Country Planning Act, 1971, as against the notice dated 24.01.2020, issued under Sections 56 and 57 of the Town and Country Planning Act, 1971, within a period of two weeks from the date of receipt of a copy of this order and the respondents are directed to maintain *status quo* for a period of two weeks.

8. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Secretary,
Department of Housing and Urban Development,
Fort St.George, Chennai.
- 2.The Principal Secretary,
Department of Municipal Administration and Water Supply,
Fort St.George,
Chennai.
- 3.The Commissioner of Town and Country Planning,
O/o The Commissioner of Town and Country Planning,
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