

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.01.2021
CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.577 of 2021
and
W.M.P.Nos.704 and 707 of 2021

1.V.S.Gunaseelan
2.Brundhadevi
3.G.Om Prakash

... Petitioners

Vs.

1.The Director
Town and Country Planning
No.807, Anna Salai
Chennai 600 002

2.The Regional Deputy Director
Directorate of Town and Country Planning
Coimbatore Region, Coimbatore

3.J.Rajasekar

... Respondents

Prayer: The writ petitions filed under Article 226 of the Constitution of India, to issue a writ of Certiorari Mandamus, calling for the records relating to the order dated 16.12.2020 in Na.Ka.No.19808/NU3 and quash the same and consequently forbear the respondents 1 and 2 herein from approving / granting any approval for putting up any new theatre or construction in the properties in Survey No.1220 and 1221 Pollachi Coimbatore.

For Petitioners

सत्यमेव जयते

: Mrs.A.L.Ganthimathi

For Respondents

: Mr.Annai Ezhil
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners have approached this Court as against the communication of the 1st respondent dated 16.12.2020 in Na.Ka.No.19808/NU3 to quash the same and for a consequential relief to forbear the respondents 1 and 2 from approving / granting any approval for putting up any new theatre or construction in the properties in Survey No.1220 and 1221 Pollachi Coimbatore.

2.The learned counsel for the petitioner submitted that the petitioners have made certain objections to the 1st

respondent on 04.03.2020, with regard to the grant of C-Form Licence for running a theatre in the premises of the petitioners and it appears the same is the subject matter in a Civil Suit in O.S.No.184 of 2020. The 1st respondent vide this impugned communication dated 16.12.2020 in Na.Ka.No.19808 of 2020, has replied that since the issue is pending before the Civil Court, they cannot cancel the licence which has already been granted pursuant to the letter of the petitioners dated 04.03.2020. Aggrieved over the reply, the petitioners are before this court.

3.Heard the learned counsel for the petitioner, this Court is not inclined to entertain this writ petition, since the order impugned is only a communication of the 1st respondent referring the dispute between the petitioners and the respondents with regard to a Memorandum of Understanding (MOU) dated 07.10.2015, entered between the petitioner and the respondent. On the above dispute, the petitioners have already filed a civil suit in O.S.No.184 of 2020, which is pending on the file of the Sub Court, Pollachi.

4.Considering the fact that the parties have already approached the competent Civil Court as against the MOU and also pending the civil suit sought for an injunction, this court is not inclined to entertain this writ petition since the impugned communication of the 1st respondent only refers the proceedings pending between the parties before the Civil Court.

5.Accordingly, this writ petition is dismissed with a liberty to the petitioners to work out their remedy in the manner known to law before the competent civil court. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Director
Town and Country Planning
No.807, Anna Salai,Chennai 600 002

2.The Regional Deputy Director
Directorate of Town and Country Planning
Coimbatore Region, Coimbatore
+1cc to M/s.A.L.Gandhimathi , Advocate SR.No. 1590
+1 cc to Government Pleader Sr.No. 1631

W.P.No.577 of 2021

and

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