



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.15810 of 2021

and

W.M.P. (MD) No.12732 and 12733 of 2021

Thalappakatti Hotels Private Limited,
Represented by Authorized Signatory,
V.Kamesh,
Shop No.12, St. Joseph Church Compound,
Manikundu, Dindigul Town,
Dindigul - 2

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Dindigul Municipal Corporation,
Dindigul Town Planning Department,
13, Dindigul - Sendurai Main Road,
Elil Nagar, Dindigul - 624 001.

3.Catholic Diaosician Society of Dindigul,
Represented by A.Melgi,
Secretary cum Treasurer,
Vallan Nagar, Mullipadi Village,
Dindigul - 624 005.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent made in impugned notice in Na.Ka.No.2611/2021/f.1 dated 19.07.2021 and quash the same as illegal and arbitrary and non-est in law and consequently forbear the second respondent from lock and sealing of the petitioner's shop Nos.11 and 12 at St.Joseph Church Compound, Manikundu, Dindigul Town, Dindigul - 2.



For petitioner : Mr.B.Vijay
For R - 1 : Mr.P.Thilak Kumar
Government Advocate
For R - 2 : Mr.Bala Siva Subramanian
For R - 3 : Mr.J.Lawrance

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

Challenging the order passed by the 2nd respondent, dated 19.07.2021, under Section 56 of the Tamil Nadu Country Planning Act, the present Writ Petition has been filed.

2. From the perusal of the records it could be seen that challenging the very same order, the petitioner has filed an appeal under Section 80A of the Tamil Nadu Country Planning Act, before the 1st respondent and the same is pending.

3. In the above circumstances, once the petitioner approached the appellate authority by filing an appeal, he cannot simultaneously invoke the writ jurisdiction and hence, the writ petition is dismissed. However, considering the fact that the appeal is pending with the first respondent, the first respondent is directed to consider the appeal on merits and pass suitable orders within a period of eight weeks from the date of receipt of a copy of this order. Till the disposal of the appeal, the respondents are directed to maintain the status quo, as on today. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1.The Secretary to Government,
Housing and Urban Development,
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Chennai - 600 009.

2.The Commissioner,
Dindigul Municipal Corporation,
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+1 CC to M/s.GP (SR-28314[F] dated 07/09/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-28543[F] dated 08/09/2021)

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06.09.2021

RK (17.09.2021) 3P 5C