



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2021

CORAM :

WEB COPY

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAI SWAMY**

W.P. (MD) No. 17598 of 2021

and

W.M.P (MD) Nos.14995 to 14997 of 2021

K.Jeyachitra

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai-9.

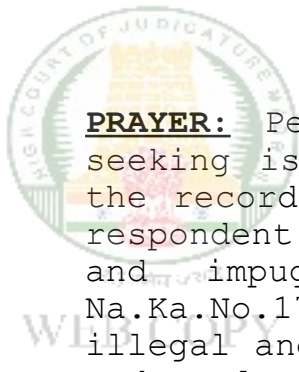
2.The Additional Secretary(Technical),
Housing and Urban Development,
Secretariat,
Chennai -9.

3.The Director,
Town and Country Planning,
Opposite to LIC,
Sengavalrayan Building,
4th Floor,
807, Anna Salai,
Chennai - 600 092.

4.The Commissioner,
Palani Municipality,
Palani,
Dindigul District.

5.K.P.Chandrasekaran,
Advocate,
No.183(Old 92), Strahans Road,
Otteri,
Chennai - 600 012.

... Respondents



PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice issued by the second respondent in Letter No.2333/UD-4 (L.Re-2)/2021-1, dated 25.08.2021 and impugned notice issued by the fourth respondent in Na.Ka.No.1714/2019/F1, dated 11.12.2020 and to quash the same as illegal and consequently to direct the respondents to open the lock and seal of the Petitioner's shop in Door No.12-B, Parvathy Illam, Shanmugapuram, Palani, Dindigul District.

For Petitioner	:	Mr.N.Marivel
For Respondents	:	Mr. P. Thilak Kumar
1 to 3		Special Government Pleader
For Respondent-4	:	Mr.C.P.Mourya

ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the second respondent, dated 25.08.2021 and the impugned notice issued by the fourth respondent, dated 11.12.2020 and to quash the same and consequently to direct the respondents to unlock the seal of the petitioner's premises in Door No.12B, Parvathy Illam, Shanmugapuram, Palani, Dindigul District.

2.The petitioner has challenged the notice issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 [hereinafter referred to as 'the Act']. It is pertinent to note that as against the very same notice dated 11.12.2020, the petitioner has also filed an appeal before the first respondent under Section 80-A of the Act. The first respondent delegated the power to hear the appeal under Section 80-A of the Act to the second respondent. Pursuant to the same, the second respondent heard the appeal and by order dated 25.08.2021, rejected the appeal filed by the petitioner under Section 80-A of the Act.

3.The petitioner, without challenging the order passed by the second respondent, has filed this Writ Petition, challenging the original order passed under Sections 56 and 57 of the Act. When the notice issued under Sections 56 and 57 of the Act was the subject matter of the appeal filed by the petitioner before the first respondent, the Writ Petition seeking for the very same relief cannot be granted.



4. In such view of the matter, we are not inclined to entertain this Writ Petition. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, W.M.P (MD) Nos.14995 to 14997 of 2021 are closed.

WEB COPY

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MR/RM

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 Department,
Secretariat, Chennai-9.
2. The Additional Secretary (Technical),
Housing and Urban Development,
Secretariat, Chennai -9.
3. The Director,
Town and Country Planning,
Opposite to LIC,
Sengavalrayan Building,
4th Floor,
807, Anna Salai, Chennai - 600 092.
4. The Commissioner,
Palani Municipality,
Palani, Dindigul District.

+1 CC to M/s.L.T.MAURYA, Advocate (SR-30458[F] dated 28/09/2021)

+1 CC to M/s.SPL.GP (SR-30674[F] dated 29/09/2021)

W.P. (MD) No. 17598 of 2021

28.09.2021