



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.4486 of 2018

and WMP (MD) No.4591 & 4592, 8340 & 12213 / 2018

(Through Video Conferencing)

The Chairman

Vins Educational & Health Trust,

314/E2 K.P.Road

Nagercoil

Kanyakumari District.

: Petitioner

Vs.

1.The Director of Town and Country Planning
Directorate of Town and Country Planning
No.807 Anna Salai
Chennai.

2.The Deputy Director of Town & Country Planning
Tirunelveli Region,
108, Trivandrum Road,
Tirunelveli, Tirunelveli District.

3.The Member Secretary
Kanyakumari Local Planning Authority
Nagercoil - 629 001
Kanyakumari

4.The Executive Officer,
Aloor Town Panchayat,
Kanyakumari District.

5.J.Justin : Respondents

(R5 has been impleaded as per the
order of this Court dated 02.03.2018 in
WMP (MD) No.4689/2018)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari to call for the records relating to the impugned notice issued by the 2nd respondent Deputy Director of Town and Country Planning in Na.Ka.No.426/2017 Thi.Li.Ma.3 dated 30.01.2018 and quash the same.



WEB COPY

For Petitioner : Mr.Isaac Mohanlal
Senior Counsel for
M/s.Isaac Chambers
For Respondents : Mr.K.P.Krishnadoss for R1 to R3
Special Government Pleader
Mr.K.Saravanan for R4
Mr.R.Russel Raj for R5

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Heard the learned senior counsel for the petitioner and the learned counsel for the respondent No.5.

2. The petitioner has come forward to challenge the impugned proceedings, by which, the petitioner was asked to take appropriate permission, since the construction is unauthorized. Accordingly, notice has been issued in exercise of powers conferred under Sections 56 and 57 read with 85 of the Town and Country Planning Act.

3. This Court, at the time of entertaining the writ petition, granted an interim order of stay giving reasons. Though submissions have been made on merits, we are not inclined to go into the same, as admittedly an appeal is provided under Section 80(A) of the said Act before the Government. Since the petitioner has already been granted an order of stay and is stated to be an educational agency, the interim order granted shall continue for a period of four weeks from the date of receipt of a copy of this order, so as to enable the petitioner to file an appeal and get appropriate interim order. In the appeal to be filed, the petitioner shall implead the 5th respondent as a party respondent. All the issues including the questions of law are left open.

4. The writ petition stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

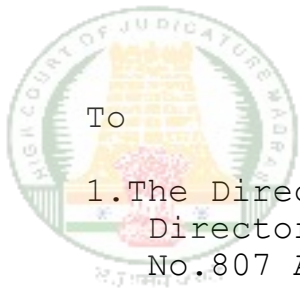
Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Director of Town and Country Planning
Directorate of Town and Country Planning
No.807 Anna Salai, Chennai.

2.The Deputy Director of Town & Country Planning
Tirunelveli Region, 108, Trivandrum Road,
Tirunelveli, Tirunelveli District.

3.The Member Secretary
Kanyakumari Local Planning Authority
Nagercoil - 629 001, Kanyakumari

4.The Executive Officer,
Aloor Town Panchayat,
Kanyakumari District.

+1 CC to M/s.R.RUSSEL RAJ, Advocate (SR-8502[F] dated 03/03/2021)

+1 CC to M/s.SPL GP (SR-8741[F] dated 04/03/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-8958[F] dated
05/03/2021)

W.P. (MD)No.4486 of 2018
Dated: 03.03.2021

SE (CO)

KB(23.03.2021) 3P 8C