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W.P.(MD).N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.12554 of 2012

and

M.P (MD) No.1 of 2012

P.Stanley Samraj

... Petitioner

Vs.

1.The Member Secretary,
Thoothukudi Local Planning Authority,
Thoothukudi.

2.The District Collector/The Chairma,
Thoothukudi Local Planning Authority,
Thoothukudi.

3.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.

... Respondents

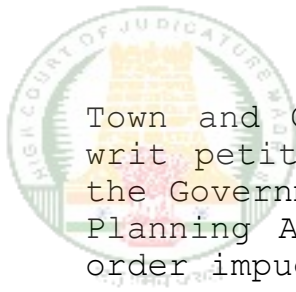
PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings of the order in Na.Ka.No.1560/2011, TULPA, dated 12.07.2012 and the consequential Order, dated 29.08.2012 on the file of the first respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai
For R-1 & R-2 : Mr.S.Shanmugavel
Additional Government Pleader
For R-3 : No appearance

ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which, the petitioner's premises was sealed on the ground that proper building plan approval has not been obtained from the Thoothukudi Local Planning Authority.

2. Admittedly, the said order was passed under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 and hence, an appeal lies to the Government under Section 80-A of the Tamil Nadu



Town and Country Planning Act, 1971. The learned Counsel who writ petitioner submits that the petitioner would like to approach the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and he may be granted liberty to challenge the order impugned in the writ petition before the Government.

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3. At the time of admitting the writ petition, an interim order has been granted, which is still in force. The petitioner is in occupation of the ground floor and he has not completed the construction with regard to the rest of the floors. The said status shall continue till the disposal of the proposed appeal by the writ petitioner before the Government. The respondents shall not proceed further till orders are passed by the Government. The petitioner is directed to approach the Government within a period of four (4) weeks from the date of receipt of a copy of this order.

4. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/07/2022

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 Member Secretary,
Thoothukudi Local Planning Authority, Thoothukudi.
- 2.The District Collector/The Chairma,
Thoothukudi Local Planning Authority, Thoothukudi.
- 3.The Commissioner,
Thoothukudi Corporation, Thoothukudi.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-28419[F] dated 28/06/2022)

+1 CC to M/s.SPL.GP (SR-28473[F] dated 28/06/2022)

Order made in
W.P. (MD) .No.12554 of 2012
27.06.2022

MK/15.07.2022/2P/6C

<https://www.mhc.tn.gov.in/judis>