



W.P(MD).No.4566 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.4566 of 2015

and

M.P(MD) Nos.1 to 3 of 2015

M/s.Jayaraj Trucks and Buses (P) Ltd.,
Represented by its Director,
P.Jeyasuresh Jayaraj (aged 58 years)
S/o.Periyanayagam Ponnusamy,
No.1, Jayaraj Nagar,
Madurai – 625 018.

... Petitioner

Vs.

- 1.The Director of Town and Country Planning,
Trichy.
2. The Member Secretary,
Local Town Planning Authority,
No.10, Williams Road,
2nd Floor, Cantonment,
Trichy – 620 001.
3. The Commissioner,
Trichy Corporation,
Trichy.
4. R.Subramaniyan
S/o.Rajalingam Chettiar



W.P(MD).No.4566 of 2015

5. S.Suseela
W/o. R.Subramaniyan

6. S.Sivakumar
S/o. R.Subramaniyan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records in the impugned notice Na.Ka.No.55/2015/Thi U Thi Ku 2 dated 07.03.2015 on the file of the second respondent and quash the same as illegal, unconstitutional and ultra vires.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader
(For R-1 and R-2)

: Mr.R.Baskaran (For – R3)

: Mr.AN.Ramanathan (For R4 to R6)

ORDER

The present Writ Petition has been filed challenging the notice issued by the second respondent under the provisions of Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, calling upon the petitioner and the copy marked to the fifth respondent, who is the owner of the building



W.P(MD).No.4566 of 2015

calling upon them to bring the building to its original status as the same has been constructed without any planning permission, failing which, the authorities will proceed to lock and seal the building.

2. The learned Counsel appearing for the petitioner would submit that the petitioner had submitted the revised planning permission with the concerned persons on 11.03.2015 and had sought the second respondent not to take any coercive steps. While admitting this writ petition, this Court has granted interim order which has been periodically extended. It is admitted by the learned Counsel appearing for the petitioner and the fifth respondent that there are some Civil disputes and the civil proceedings are pending. That cannot be reason that the authorities cannot be permitted to proceed any further pursuant to the impugned notice in this writ petition.

3. It is also submitted that the revised planning permission has been submitted. Therefore, the second respondent is directed to consider such revised planning permission, if any, if it is in order. If not, it is open to the second respondent to proceed in accordance with law and lock and seal the building without issuing any further notice. The second respondent shall



W.P(MD).No.4566 of 2015

WEB COPY

consider the alleged revised planning permission within a period of two weeks from the date of receipt of a copy of this order and thereafter, take appropriate action in accordance with law under Section 56 (2A) of the Tamil Nadu Town and Country Planning Act.

4. With the above said direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

16.12.2022

Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Director of Town and Country Planning,
Trichy.
2. The Member Secretary,
Local Town Planning Authority,
No.10, Williams Road,
2nd Floor, Cantonment, Trichy – 620 001.
3. The Commissioner,
Trichy Corporation, Trichy.



WEB COPY



W.P(MD).No.4566 of 2015

K.KUMARESH BABU, J.

ebsi

Order made in
W.P(MD)No.4566 of 2015

16.12.2022