



W.P(MD)No.5871 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.5871 of 2013
and
M.P(MD)No.1 of 2013**

R.Henry Thomas

... Petitioner

Vs.

1.The Commissioner
Thoothukudi Corporation,
Thoothukudi.

2.The Member Secretary (I/c),
Thoothukudi Local Planning Authority,
No.51, West Car Street,
Thoothukudi - 2.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to



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the impugned notice passed by the second respondent in his Proceedings in C.No.394/2013 TULPA dated 03.04.2013 and quash the same.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.V.Malaiyendran, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for respondents.

2. The petitioner is challenging the notice, dated 03.04.2013.

3. The learned Government Advocate for the Corporation submits that after the impugned notice was issued, further notice under Section 56 of the Tamil Nadu Town and Country Planning Act,



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1971 was issued on 19.04.2013 and thereafter, notice under Section 56(2B) was also issued. The petitioner challenged the same by filing a suit. The said suit was dismissed in the year 2016. The appeal filed against the same was also dismissed in the year 2020.

4. As the petitioner had already resorted to the remedy of the suit, the present Writ Petition would not be maintainable.

5. Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[L.V.G., J.]

01.12.2023

Index : Yes / No
Neutral Citation : Yes / No

RM



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L.VICTORIA GOWRI, J.

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