



W.P.(MD) No.14492 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.14492 of 2023
and
W.M.P.(MD) No.12293 of 2023**

Jeya Chitra

... Petitioner

-VS-

1. The Government of Tamil Nadu,
Rep. by its Additional Secretary
(Technical),
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Palani Municipality, Palani,
Dindigul District.
3. The Member Secretary / Commissioner,
Town Planning Authority,
Palani Municipality, Palani,
Dindigul District.
4. K.P.Chandra Sekar. ... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in his impugned order in Letter No.2333/UD-4(L.Re-2)/2021-1, dated 25.08.2021 and quash the same as devoid of merits and consequently direct the respondents 1 to 3 to grand building plan approval for the shops situated at No.12-B, Parvathi Illam, Shanmugapuram, Palani - 2, Dindigul District within the stipulated period by this Hon'ble Court.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1
Mr.K.Hema Karthikeyan for R2 & R3

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the first respondent and Mr.K.Hema Karthikeyan, learned counsel takes notice for the respondents 2 and 3.



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2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. The petitioner's challenge is to the order made in the revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971. Admittedly, the offending construction, viz., 14 temporary shops have been put up in the setback areas without valid sanction. Therefore, the Government is right in rejecting the revision. Hence, the writ petition is dismissed. We make it clear that we have not gone in to *inter se* dispute between the family members relating to partition. No costs. Consequently, the connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
PKN



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