



W.P.(MD) No.6677 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2023

CORAM:

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

W.P.(MD) No.6677 of 2018

and

W.M.P.(MD) Nos.6457 & 6458 of 2018

K.Shanmugasundaram

... Petitioner

-vs-

- 1.The Director
City Town Planning Authority
807, Anna Salai, Chennai-02
- 2.The District Collector
Madurai District, Madurai
- 3.The Commissioner
Madurai Corporation
Madurai
- 4.The Executive Member (incharge)
Madurai Town Planning Authority
Madurai
- 5.Harihara Sudhan
Proprietor of
Gowry Krishna Hotel
Byepass Road
Opp.Tamilnadu Transport Corporation Ltd.,
Madurai

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the Respondents 1 to 4 to implement the proceeding in Na.Ka.No.1046/2016/Mathi.5 dated 24.08.2016 under the provision of Tamilnadu Town Planning Act, 1971 passed by the fourth respondent within stipulated time by this Court.

For Petitioner : Mr.J.David Ganesan

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1, R2 & R4
Mr.R.Murali for R3
Mr.Satheesh Parasaran, Senior Counsel
assisted by Mr.J.Pandi Dorai for R5

ORDER

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

Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, It is therefore prayed that this Hon'ble court may be pleased to issue WRIT OF MANDAMUS or other direction in the nature of Writ directing the Respondents 1 to 4 to implement the proceeding in Na.Ka.No. 1046/2016/Mathi.5 dated 24.08.2016 under the provision of Tamilnadu Town Planning Act, 1971 passed by the fourth respondent within stipulated time by this Hon'ble Court and to pass such other further orders as this Hon'ble Court deemed to be fit and proper in this circumstances of the case and thus render justice.”



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2. Though the prayer is sought to be opposed on various grounds, we find that the said opposition can not be entertained. Once there is a proceeding validly passed, it is for the authority concerned to implement the same, unless there is any other prohibitory order passed. It is now stated that an application for approval of revised plan has been filed and the same is pending.

3. The authority concerned will consider the same also along with the representation to implement the order passed on 24.08.2016 and if the application is rejected, they can go ahead and implement the order dated 24.08.2016.

4. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

20.06.2023

(2/3)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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