



W.P(MD)No.14671 of 2015

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED : 20.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.14671 of 2015

and

M.P.(MD)No.1 of 2015

Maris Associates (P) Ltd,  
C 102, SIPCOT Industries Complex,  
Thoothukudi - 628 008,  
Through its General Manager - Authorised Signatory  
A.Antony Joyson.

... Petitioner

Vs.

1.The Member Secretary,  
Local Planning Authority,  
Town and Country Planning Department,  
Thoothukudi.

2.The Chairman,  
Local Planning Authority,  
Town and Country Planning Department,  
Thoothukudi.

3.The Commissioner,  
Thoothukudi Corporation,  
Thoothukudi.

... Respondents



**W.P(MD)No.14671 of 2015**

**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 impugned order in Na.Ka.No.1227/2008 தாஉதிரு dated 04.08.2015 on the file of the 1st Respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.Shanmugavel,  
Addl. Government Pleader for R1 R2.  
Mr.N.Anandakumar,  
Standing Counsel for R3.

### **ORDER**

Heard the learned counsel on either side.

2.The petitioner challenges the impugned order on all the grounds set out in the affidavit filed in support of the writ petition. One of the grounds is that the impugned order is addressed to M/s.A.V.M. Associates. The petitioner has nothing to do with the said M/s.A.V.M. Associates.



**W.P(MD)No.14671 of 2015**

3.The learned counsel would further contend that even before introduction of Section 56(2A) and 56(4) of the Town and Country Planing Act in the statute book, the petitioner had put up their buildings after getting approval from Tuticorin Panchayat Union. A copy of approval issued on 07.12.1995 has been enclosed in the typed set of papers. The local body became corporation much later.

4.The learned Additional Government Pleader would claim that the notice was issued only because of subsequent unauthorized constructions. In the affidavit filed in support of the writ petition, it has not been stated that the buildings now standing in the plots in question in SIPCOT were put up in the year 1997 itself as per the approved plan and that there has been no subsequent construction or expansion. In the impugned notice, there is no recital that constructions were subsequently put up. Since the notice was also not issued to the petitioner, I am constrained to remand the matter. The order impugned in this writ petition is set aside. It is open to the respondents to issue fresh notice to the petitioner containing appropriate recitals and details. All the defences and contentions of the writ petitioner are left open



**W.P(MD)No.14671 of 2015**

WEB COPY

5.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petition is closed.

**20.07.2023**

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

To:-

- 1.The Member Secretary,  
Local Planning Authority,  
Town and Country Planning Department,  
Thoothukudi.
- 2.The Chairman,  
Local Planning Authority,  
Town and Country Planning Department,  
Thoothukudi.
- 3.The Commissioner,  
Thoothukudi Corporation,  
Thoothukudi.



WEB COPY



**W.P(MD)No.14671 of 2015**



WEB COPY



**W.P(MD)No.14671 of 2015**

**G.R.SWAMINATHAN, J.**

ias

**W.P(MD)No.14671 of 2015**

**20.07.2023**