



W.P(MD)No.5586 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5586 of 2015

and

M.P.(MD)No.2 of 2015

and

W.M.P.(MD)No.1706 of 2016

R.Panneer Selvam

... Petitioner

Vs.

1.The Director,
Directorate of Town and Country Planning,
Opp.to LIC, Chengalvarayan Building,
Fourth Floor,
No.807, Anna Salai,
Chennai-600 002.

2.The Deputy Director,
Office of the Deputy Director Town and Country Planning,
Tirunelveli Region,
No.108, Trivandrum Road,
Tirunelveli-2.

... 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 entire records pertaining to impugned notices issued by the 2nd respondent vide his letter No. 2511/2012/TVLR3 dated 03.09.2012 as well as consequential Notice in Na.Ka.NO. 231/2015 ThiLiMa3(11) dated 12.03.2015 and quash the same.



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For Petitioner : Mr.R.Anand

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is running an educational institution. He has put up the public buildings. The second respondent has issued the impugned notice under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act. Challenging the same, the present writ petition has been filed.

3. It is obvious that the impugned notice is on account of the incorporation of Section 47(A) of the Act. But the said provision was introduced in the statute book only in the year 2010. It cannot have a retrospective effect. The building in question was put up way back in the year 2000 itself. During the relevant time, the petitioner had obtained permission from the local body under the Tamil Nadu Panchayat Building Rules, 1997.

Rule 25 is as follows:-

25. Multi-storeyed and Public buildings: Every person intending to construct reconstruct, add to or alter any public building other than Government building shall follow the provisions of the Multistoreyed and Public Building Rules, 1973 issued under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920):

Provided that the Executive Authority shall not grant approval for



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construction, reconstruction, addition or alteration of any such building without consulting the concerned Joint Director or Deputy Director of Town and Country Planning.

4. It is true that the panchayat could not have given approval without consulting the concerned Deputy Director of Town and Country Planning. However, it has been held in a catena of decisions that it is an intra-departmental affair and that if the local body had not consulted the Deputy Director of Town and Country Planning, the applicant cannot be put to prejudice on account of such omission.

5. It is for this reason, the impugned notice is set aside. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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2.The Deputy Director,
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