



W.P.No.26464 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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T.D.Ramasamy

.. Petitioner

Vs

The Commissioner,
Karamadai Municipality,
Karamadai,
Coimbatore District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the impugned notice dated 9.8.2024 bearing No.03/2024 (BA No – 129/2021/A3/BL No.424/2020-2021) on the file of the respondent and quash the same.

For the Petitioner : Mr.Pa.Saigovindaraja

For the Respondents : Mr.P.Srinivas
Standing Counsel



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ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Challenging the impugned order of the respondent dated 9.8.2024, the petitioner has filed the present writ petition.

2. Learned counsel for the respondent submitted that as against the impugned notice issued under Rule 5(b) of the Tamil Nadu Town and Country Planing (Removal of Unauthorised Development) Rules, 2022, the petitioner has an appellate remedy under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and without exhausting such remedy, the petitioner has straightaway approached this Court.

3. In the light of the efficacious statutory remedy available to the petitioner, we dispose of the writ petition granting liberty to the petitioner to approach the authority under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 within a period of two weeks from the date of receipt of a copy of this order. If the petitioner approaches the authority concerned, the



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revisional/appellate authority shall entertain the revision/appeal, without raising any objection qua limitation, and decide the same on merits and in accordance with law, within a period of twelve weeks thereafter, after providing opportunity to the petitioner, if contemplated under the relevant provisions.

4. The Registry is directed to return the original impugned notice to learned counsel for the petitioner after substituting it with a photo copy.

There shall be no order as to costs. Consequently, W.M.P.No.28928 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
11.09.2024

Index : Yes/No
NC : Yes/No
bbr

To:
The Commissioner,
Karamadai Municipality,
Karamadai,
Coimbatore District.



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THE HON'BLE ACTING CHIEF JUSTICE
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P.B.BALAJI, J.

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