



W.P.(MD) No.16306 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.16306 of 2013

and

M.P.(MD)Nos.1 and 2 of 2013

M.Vadivel

... Petitioner

-Vs-

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Block Development Officer,
Sanarpatti Panchayat Union,
Sanarpatti, Dindigul Taluk and District.
- 3.The Deputy Director,
Town and Country Planning Department,
Dindigul District, Dindigul.
- 4.The Assistant Director (Panchayats),
Dindigul District, Dindigul.
- 5.The President,
I Grade Panchayat,
Kambiliyampatti Panchayat,
Sanarpatti Union, Dindigul District-624 306.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the 5th respondent in his show cause notice dated 10.08.2013 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.S.Ramesh
For R1 to R4 : Mr.V.Nirmal Kumar,
Government Advocate
For R5 : Mr.R.Velmurugan

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The show cause notice dated 10.08.2013 issued by the 5th respondent is under challenge in this Writ Petition.

2.According to the petitioner, the trust called as Victory Educational Trust put up construction in the property belonging to the trust in Survey Nos. 480/1, 480/3B, 480/4, 481/1, 481/2A and 489 of Kambliampatti Village to run the college, namely, Victory College of Education by obtaining necessary sanction and plan approval from the 5th respondent. Earlier, when the 5th respondent caused trouble to the petitioner in running Teachers Training Institute in other Survey Nos.1871/7, 1874/6, 1873/24 and 1871/5, the petitioner approached this Court by



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filing W.P.(MD)No.8346 of 2013 and got interim order vide order dated 15.05.2013 and the said Writ Petition is still pending and therefore, the 5th respondent has no right to issue the present impugned show cause notice. Further, though the petitioner submitted explanation for the show cause notice, due to political enmity and undue influence, the 5th respondent in collusion with the official respondents 3 and 4 are seriously attempting to demolish the building in question.

3.We have carefully perused the impugned show cause notice issued by the 5th respondent. We are of the view that writ petitions filed challenging the show cause notices are not entertainable, unless such show cause notices have been issued by an incompetent authority having no jurisdiction or tainted with the allegation of *mala fides*. Persons, receiving show cause notices regarding removal of encroachments / unauthorized constructions, are at liberty to submit their objections / explanations along with the documents, if any, enabling the competent authority to decide the issues on merits and in accordance with law and proceed thereafter.

4.In the present case on hand, the petitioner has not obtained any planning permission from the competent authority, namely, Director of Town and



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Country Planning and his application seeking for approval is still pending. At the outset, we are not inclined to interfere with the show cause notice issued by the 5th respondent. Therefore, this Writ Petition stands dismissed. However, it is for the petitioner to submit his objections / explanations for the impugned show cause notice before the authority concerned. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
29.02.2024

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

Yuva

To

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