



WEB COPY

W.P.(MD) No.9594 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.9594 of 2018
and
W.M.P.(MD) No.8864 of 2018**

The R.C.Diocese of Kottar
through its Financial Administrator
Bishop's House, Asaripallam Road
Nagercoil, Kanyakumari District

... Petitioner

-vs-

The Member Secretary
Local Planning Authority
Nagercoil, Kanyakumari District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned notice of the respondent in his proceedings in Na.Ka.No.546/2013 NaUThiKu, dated 20.04.2018 and quash the same.



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For Petitioner : Mr.M.Sengu Vijay
For Respondent : Mr.T.Amjad Khan
Government Advocate

ORDER

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

The notice dated 20.04.2018, issued by the respondent, under Sections 56(2A) and 57(4) of the Town and Country Planning Act, 1971, is under challenge in this writ petition.

2. Learned Government Advocate appearing for the respondent submits that as against the impugned notice, the petitioner is having efficacious alternative remedy of appeal under Section 80-A of the Town and Country Planning Act, 1971 before Appellate Authority.

3. When such efficacious alternative remedy of appeal is available, the petitioner has to exhaust the appeal remedy and therefore, the writ petition is liable to be dismissed.



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4. Accordingly, this writ petition is dismissed with liberty to the petitioner to file an appeal before the Appellate Authority under Section 80-A of the Town and Country Planning Act, 1971, within a period of two weeks from the date of receipt of a copy of this order. In default, necessary action shall be taken for removal of the unauthorized construction in accordance with law forthwith. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

27.03.2024

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

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To:
The Member Secretary,
Local Planning Authority,
Nagercoil, Kanyakumari District.



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