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W.P.(MD) No.16232 of 2014

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.16232 of 2014

and

M.P.(MD)Nos.1 and 2 of 2014

N.M.Sheik Meera

... Petitioner

-Vs-

The Member Secretary,
Local Planning Authority,
Town and Country Planning Department,
51, West Car Street, Thoothukudi.

... 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 proceedings of the impugned notice dated 28.07.2014 in Na.Ka.No.1272/2010 ThooUThiKu on the file of the respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.T.Amjadkhan,
Government Advocate



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ORDER

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

The order dated 28.07.2014 issued by the respondent under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, (hereinafter referred to as 'the Act'), is under challenge in this Writ Petition.

2.On perusal of the impugned order dated 28.07.2014, we are of the view that the petitioner is having alternative remedy before the Government by filing an appeal under Section 80A of the Act. Without exhausting the said appeal remedy, she has straightaway filed this Writ Petition and therefore, the same is not maintainable. Accordingly, this Writ Petition stands dismissed with liberty to the petitioner to file an appeal before the appellate authority within a period of two weeks from the date of receipt of a copy of this order, in default the respondent shall proceed in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
27.03.2024

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

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